FEDERAL REGISTER

VOLUME 13 NUMBER 77

Washington, Tuesday, April 20, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2778

CHILD HEALTH DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617) authorized and requested the President to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS the potential strength and future greatness of this Nation depend in large measure upon its children; and

WHEREAS the protection of the health of young Americans will help to assure the continued physical welfare of our people:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate May 1, 1948, as Child Health Day; and I invite all parents, doctors, nurses, teachers, and all others who are interested in child welfare to cooperate in a nation-wide effort, beginning on that day, to improve the health of children of school age.

I recommend as a first step that practical plans be developed to obtain thorough medical and dental examinations and treatment if necessary for every child entering school for the first time in the fall of 1948, to the end that all correctible defects found in the health of these children shall have been removed or placed under treatment by the close of the school year.

In order to give impetus to this effort, I request the National Health Assembly, meeting by invitation of the Federal Security Administrator in Washington from May 1 to 4, to give special consideration to the health needs of children of school age.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of April in the year of our Lord nineteen hundred and forty-[SEAL] eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-3543; Filed, Apr. 19, 1948; 10:49 a. m.]

PROCLAMATION 2779

NATIONAL FARM SAFETY WEEK, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS needless hazards on the farms of our Nation continue to cause thousands of accidents each year which could be prevented by a positive safety program; and

WHEREAS these accidents, which annually cause some 18,000 farm residents to lose their lives, constitute an unnecessary and tragic waste of human life; and

WHEREAS the reduction of accidents to a minimum cannot be achieved without the vigilance and efforts of those who are endangered:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week commencing July 25, 1948, as National Farm Safety Week. I urgently request each member of every American farm family to accept responsibility for eliminating at least one possible source of accidents during that week. I also ask all organizations and persons interested in farm life and welfare to join in a concerted attack upon these menaces to the lives and happiness of American farmers and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of April in the year of our Lord

(Continued on p. 2089)

CONTENTS

THE PRESIDENT

Proclamations — Page

Child Health Day, 1948 — 2087
National Farm Safety Week, 1948 — 2087

Executive Order

Personnel, transfer to certain public international organizations; modification of EO 9721 — 2089

EXECUTIVE AGENCIES

Agriculture Department

Proposed rule making:
Milk handling, Quad Cities area — 2105
Peaches in North and South Carolina — 2033

Alien Property, Office of

Notices:
Vesting orders, etc..
Akiyama, Michiharu — 2123
Belersdorf, P., & Co. A. G. — 2121
Bell, Marie L. — 2123
Berndt, Reinhold — 2119
Emmerling, Christine — 2120
Fehl, Mrs. Julia — 2120
Hillecke, Heinrich — 2122
Hoppe, Richard — 2123
Kodama, G., and Noritake, T. — 2124
Lust, Dr. Benedict — 2124
Moeller, Clemens — 2121
Mohr, Peter — 2121
Murata, Shunichi — 2118
Neugebauer, Dorothea — 2124
Reichert, Emil — 2120
Ueno, Chijiro, et al — 2122
Von Mallinkrodt, Gustav — 2122
Weiss, Wally — 2124
Wiesbadener Bank E. G. M. E. H. — 2119

Army Department

Rules and regulations:
Tributaries of San Francisco Bay and San Pablo Bay, California; bridge regulations — 2092

Atomic Energy Commission

Rules and regulations:
Domestic uranium program:
Discovery and production of high-grade domestic uranium ore; bonus — 2090
Ten year guaranteed minimum price — 2089

FEDERAL REGISTER

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CONTENTS—Continued

Atomic Energy Commission—Continued Page
Rules and regulations—Continued
Domestic uranium program—Continued
Uranium-bearing carnotite-type or roscoelite-type ores of Colorado Plateau area; guaranteed three year minimum price 2090

Civil Aeronautics Board
Notices:
Hearings, etc..
American Airlines, Inc., et al. 2112
Chicago and Southern Air Lines, Inc 2112

Civil Service Commission
Rules and regulations:
Competitive service; lists of positions excepted 2089

Coast Guard Page
Notices:
Approval of equipment 2111

Federal Power Commission
Notices:
Hearings, etc..
Alabama-Tennessee Natural Gas Co. and Southern Natural Gas Co 2113
Florida Public Utilities Co. 2113
Village of Bonners Ferry, Idaho 2113

Federal Savings and Loan Insurance Corporation
Rules and regulations:
Insurance of accounts; disposition of inferior liens 2092

Federal Savings and Loan System
Rules and regulations:
Operation; disposition of inferior liens 2092

Federal Trade Commission
Rules and regulations:
Cease and desist order; Parker Pen Co 2091

Interstate Commerce Commission
Notices:
Increased fares, Eastern railroads, 1948 (2 documents) 2113, 2114

Land Management, Bureau of
Notices:
Nevada; modification of grazing districts (2 documents) 2112

Panama Canal
Rules and regulations:
Panama Canal and adjacent waters, operation and navigation; radio communication 2093

Securities and Exchange Commission
Notices:
Hearings, etc..
Carolina Power & Light Co. 2115
Columbia Gas & Electric Corp. and United Fuel Gas Co. 2116
North Continent Utilities Corp. 2116
Public Service Co. of New Hampshire and New England Public Service Co. 2115
Texas Power & Light Co. 2118
Union Gasoline & Oil Corp. 2114

Wage and Hour Division
Proposed rule making:
Foundry, machine shop, and fabricated metal products industry; recommendation of Special Industry Committee No. 5 for Puerto Rico 2110

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3—The President
Chapter I—Proclamations:
2778 2087
2779 2087
Chapter II—Executive orders:
9721 (modified by EO 9949) 2089
9830 (see T. 5, § 6.4) 2089
9949 2089

Title 5—Administrative Personnel
Chapter I—Civil Service Commission:
Part 6—Exceptions from the competitive service 2089

Title 7—Agriculture
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)
Proposed rule making 2093
Part 944—Milk in Quad Cities marketing area (proposed) 2105

Title 11—Atomic Energy
Chapter I—Atomic Energy Commission:
Part 60—Domestic uranium program (3 documents) 2089, 2090

Title 16—Commercial Practices
Chapter I—Federal Trade Commission:
Part 3—Digest of cease and desist orders 2091

Title 24—Housing Credit
Chapter II—Federal Savings and Loan System:
Part 203—Operation 2092
Part 301—Insurance of accounts 2092

Title 29—Labor
Chapter V—Wage and Hour Division, Department of Labor
Part 685—Minimum wage rate in the foundry, machine shop, and fabricated metal products industry in Puerto Rico (proposed) 2110

Title 33—Navigation and Navigable Waters
Chapter II—Corps of Engineers, Department of the Army
Part 203—Bridge regulations 2092

Title 35—Panama Canal
Chapter I—Canal Zone regulations:
Part 4—Operation and navigation of Panama Canal and adjacent waters 2093

Title 43—Public Lands: Interior
Chapter I—Bureau of Land Management, Department of the Interior:
Part 162—List of orders creating and modifying grazing districts (see Department of the Interior Misc. 1661726, 1661727 in Notices section)

nineteen hundred and forty-
[SEAL] eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-3542; Filed, Apr. 19, 1948; 10:49 a. m.]

EXECUTIVE ORDER 9949

MODIFYING EXECUTIVE ORDER NO. 9721, PROVIDING FOR THE TRANSFER OF PERSONNEL TO CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes, and as President of the United States, it is ordered that paragraph 3 (a) of Executive Order No. 9721 of May 10, 1946, providing for the transfer of personnel to public international organizations in which the United States Government participates, be, and it is hereby, modified as follows:

The provision which requires that service in the public international organization to which the employee is transferred shall be terminated within three years from the date of such transfer to entitle the employee to the reemployment rights conferred by the said paragraph is modified so that Paul D. Miles shall, upon transfer in accordance with the said Executive order from the Federal Communications Commission to the International Frequency Registration Board of the International Telecommunication Union, be entitled to such reemployment rights if his service with the said International Frequency Registration Board is terminated without prejudice within five years from the date of his transfer to such Board; provided that he complies with all other provisions of the said Executive order with respect to such reemployment.

This order shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 17 1948.

[F. R. Doc. 48-3544; Filed, Apr. 19, 1948; 11:07 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (d) of Executive Order 9830 and with the concurrence of the Department of the Army, § 6.4 (b) (4) (ii) is revoked effective upon publication in the FEDERAL REGISTER.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-3446; Filed, Apr. 19, 1948; 8:48 a. m.]

TITLE 11—ATOMIC ENERGY

Chapter I—United States Atomic Energy Commission

[Circular No. 1]

PART 60—DOMESTIC URANIUM PROGRAM

TEN YEAR GUARANTEED MINIMUM PRICE

§ 60.1 *Ten year guaranteed minimum price*—(a) *Guarantee.* To stimulate domestic production of uranium and in the interest of the common defense and security the United States Atomic Energy Commission hereby establishes the guaranteed minimum prices specified in paragraph (b) of this section, for the delivery to the Commission, in accordance with the terms of this section during the ten calendar years following its effective date, of domestic refined uranium, high-grade uranium-bearing ores and mechanical concentrates, in not less than the quantity and grade specified in paragraph (e) of this section. This guarantee does not apply to uranium-bearing ores of the Colorado Plateau area, commonly known as carnotite-type or roscoelite-type ores, prices for which are established by § 60.3.

NOTE: The term "domestic" in this section, referring to uranium, uranium-bearing ores and mechanical concentrates, means such uranium, ores, and concentrates produced from deposits within the United States, its territories, possessions and the Canal Zone.

(b) *Guaranteed minimum prices.* The following minimum prices are established:

(1) For uranium-bearing ores and mechanical concentrates, $3.50 per pound of U_3O_8 (uranium oxide) determined by the Commission to be recoverable, less cost per pound of refining such ores or concentrates to standards of purity required for the Commission's operations, to be determined by the Commission after assay of a representative sample.

(2) For refined uranium products, $3.50 per pound contained U_3O_8 (uranium oxide)

Prices are f. o. b. railroad cars or trucks at shipping point designated by the Commission convenient to mine, mill, or refinery. Weights are avoirdupois dry weight.

(c) *Making an offer.* Anyone who has domestic refined uranium, high-grade uranium-bearing ores, or mechanical concentrates of the quantity and grade specified in paragraph (e) of this section, may offer it for delivery to the Commission by sending a letter or telegram addressed as follows:

United States Atomic Energy Commission,
Post Office Box 30, Ansonia Station,
New York 23, N. Y.
Attention: Division of Raw Materials.

With each offer there should be furnished a representative ten-pound sample and the following information:

(1) Location of property;

(2) Character of material offered for delivery (state whether refined uranium, mechanical concentrates, or uranium-bearing ores, indicating approximate composition),

(3) Amount of material offered;

(4) Location of material offered;

(5) Origin of material if offered by other than producer;

(6) If material is owned, in whole or in part, by any person other than the person making the offer, the name of each person having such ownership and nature of his rights; and

(7) Name and address of person making the offer.

NOTE: The reporting requirements hereof have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) *Purchase contract.* Upon receipt of an offer and sample, an analysis of the sample will be made. If the sample and the information furnished are determined by the Commission to meet the conditions of this section, the Commission will forward to the person making the offer a form of contract containing applicable terms and conditions ready for his acceptance. Prices will be not less than the applicable prices of paragraph (b) of this section.

(e) *Minimum quantity and grade.* No delivery will be accepted under this section of less than ten short tons (2,000 pounds per ton) of ores or mechanical concentrates, nor of ore or mechanical concentrates which assay less than 10 per cent U_3O_8 by weight. No delivery will be accepted under this section of less than one short ton of refined uranium, nor of refined uranium which contains by weight less than 97 per cent U_3O_8 in black uranium oxide or 87 per cent U_3O_8 in sodium uranate. However, the Commission will be interested in negotiating reasonable terms with respect to deliveries of high-grade ores and refined products in lesser quantities and grades than those specified in this section.

(f) *Large quantities or special conditions.* The prices established in paragraph (b) of this section are minimum prices. The Commission may by negotiations establish higher prices for guaranteed delivery of lots of ores or mechanical concentrates substantially in excess of ten short tons, or for lots of refined uranium substantially in excess of one short ton. The Commission also may by negotiation establish higher prices for delivery of ores, mechanical concentrates, or refined uranium under other special conditions, taking into consideration such factors as refining and milling costs, transportation costs, and other applicable factors.

(g) *Other valuable minerals.* In making payment for material delivered to it in accordance with this section, the Commission will give consideration to the existence of recoverable gold, silver, radium, thorium, or any other valuable constituent in the light of the cost of recovery.

(h) *Licenses.* Arrangements will be made by the Commission for the issuance of licenses, pursuant to the Atomic Energy Act of 1946, covering deliveries of source material to the Commission under this section. (Sec. 5 (b) 60 Stat. 761)

Effective date. This circular will become effective at midnight, April 11, 1948.

Dated at Washington, D. C., this 9th day of April 1948.

By order of the Commission.

WALTER J. WILLIAMS,
Acting General Manager.

[F. R. Doc. 48-3425; Filed, Apr. 19, 1948; 8:50 a. m.]

[Circular No. 2]

PART 60—DOMESTIC URANIUM PROGRAM

BONUS FOR THE DISCOVERY AND PRODUCTION OF HIGH-GRADE DOMESTIC URANIUM ORE

§ 60.1 *Bonus for the discovery and production of high-grade domestic uranium ore—(a) Discovery and production bonus.* To stimulate prospecting for, discovery of, and production from new high-grade domestic uranium deposits and in the interest of the common defense and security the United States Atomic Energy Commission will pay, in addition to the guaranteed minimum price established in § 60.1, a bonus of $10,000 for delivery to the Commission, after the effective date of this section, of the first 20 short tons (2,000 pounds avoirdupois dry weight per ton) of uranium-bearing ores or mechanical concentrates assaying 20 percent or more U_3O_8 by weight from any single mining location, lode or placer, which has not previously been worked for uranium (or in the case of production from lands not covered by such a mining location, from an area comparable thereto, as determined by the Commission) This bonus offer does not apply to delivery of ores of the Colorado Plateau area commonly known as carnotite-type or roscoelite-type ores; under § 60.3, the Commission has established guaranteed minimum prices for delivery of such ores including a development allowance and premiums for better grade.

NOTE: The term "domestic" in this section, referring to uranium, uranium-bearing ores and mechanical concentrates, means such uranium, ores and concentrates produced from deposits within the United States, its territories, possessions and the Canal Zone.

(b) *Nature of bonus.* The bonus of $10,000 offered in this section is a bonus to encourage the discovery of new uranium resources. However, it will be paid, not for discovery alone, but only in connection with delivery to the Commission, pursuant to § 60.1, of ores produced from the location, as an independent and additional part of the price established by the Commission under that section.

(c) *Who may claim.* The person lawfully entitled to deliver ore to the Commission pursuant to § 60.1, may claim the bonus offered in paragraph (a) of this section. A bonus will be paid only once for production of ores from any single lode or placer location (or, in the case of production from lands not covered by such a location, from an area comparable thereto, as determined by the Commission) The Commission expressly reserves the right to determine whether production from a given location is the first production from such location for the purposes of this section or whether such location or property has previously been worked for uranium, whether production is such as to which a bonus has already been paid, or whether for any other reason a bonus is not payable. In making this determination the Commission will be guided by the mining laws of the United States which provide, generally, that lode locations may extend in lode or vein formation up to 1,500 feet along the vein and in width 300 feet on each side of the middle of the vein, the end lines of the location being parallel to each other and that placer locations may not be greater than 20 acres for each location or 160 acres in a single location for up to eight locators. The fact that a bonus has already been received will not prevent the payment of another bonus to the same person with respect to production from a different location.

(d) *Notice of discovery and production.* Notice of the discovery of a uranium deposit and of production therefrom believed to meet the requirements of paragraph (a) of this section should be forwarded to the Commission by letter or telegram, to the address specified in paragraph (f) of this section, together with an offer to deliver such ore to the Commission under § 60.1. In addition to the information and the 10-pound sample required under § 60.1, the following must be furnished:

(1) A brief description of the location or property indicating its size and relationship to mineral monuments or the public land surveys;

(2) Name of owner of record of property.

(3) Location of Recorder's Office where ownership is recorded.

NOTE: The reporting requirements hereof have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Inspection of claim.* Upon receipt of a notice of discovery and sample, forwarded as required in § 60.1, an analysis of the sample will be made. If the sample and supporting data indicate the claim is likely to meet the requirements of paragraph (a) of this section, an inspection of the property and verification of the weights and assays of material produced will be undertaken by the Commission. On the basis of a report of such inspection and verification, if favorable, the Commission will determine the quantity of ore produced. If this determination indicates that the production requirements established in paragraph (a) of this section have been met, the Commission will pay the bonus in addition to the price established under § 60.1, when delivery of such ore is completed.

(f) *Inquiries and communications.* Inquiries about this section and all other communications should be addressed as follows:

United States Atomic Energy Commission,
Post Office Box 30, Ansonia Station,
New York 23, N. Y.
Attention: Division of Raw Materials.

(g) *Licenses.* Arrangements will be made by the Commission for the issuance of licenses, pursuant to the Atomic Energy Act of 1946, covering deliveries of source material to the Commission under this section. (Sec. 5 (b) 60 Stat. 761)

Effective date. This circular will become effective at midnight, April 11, 1948.

Dated at Washington, D. C., this 9th day of April 1948.

By order of the Commission.

WALTER J. WILLIAMS,
Acting General Manager.

[F. R. Doc. 48-3426; Filed, Apr. 19, 1948; 8:50 a. m.]

[Circular No. 3]

PART 60—DOMESTIC URANIUM PROGRAM

GUARANTEED THREE YEAR MINIMUM PRICE FOR URANIUM-BEARING CARNOTITE-TYPE OR ROSCOELITE-TYPE ORES OF THE COLORADO PLATEAU AREA

§ 60.3 *Guaranteed three year minimum price for uranium-bearing carnotite-type or roscoelite-type ores of the Colorado Plateau area—(a) Guarantee.* To stimulate domestic production of uranium-bearing ores of the Colorado Plateau area, commonly known as carnotite-type or roscoelite-type ores, and in the interest of the common defense and security the United States Atomic Energy Commission hereby establishes the guaranteed minimum prices specified in Schedule I of this section, for the delivery of such ores to the Commission, at Monticello, Utah, and Durango, Colorado, in accordance with the terms of this section during the three calendar years following its effective date.

NOTE: In §§ 60.1 and 60.2 (Domestic Uranium Program, Circulars No. 1 and 2), the Commission has established guaranteed prices for other domestic uranium-bearing ores, mechanical concentrates, and refined uranium products.

(b) *Definitions.* As used herein, the term "buyer" refers to the U. S. Atomic Energy Commission, or its authorized purchasing agent. The term "seller" refers to any person offering uranium ores for delivery to the Commission. Weights are avoirdupois dry weight.

(c) *Deliveries of not to exceed 1,000 tons per year* To aid small producers, any one seller may deliver without a written contract but otherwise in accordance with this section up to, but not exceeding, 1,000 short tons (2,000 pounds per ton) of ores during any calendar year.

(d) *Deliveries in excess of 1,000 tons per year.* Sellers desiring to deliver in excess of 1,000 short tons (2,000 pounds per ton) of ores during any calendar year will be required to execute a contract with the Commission. Buyer is not obligated to purchase in excess of 5,000 short tons of ores from any one seller during any calendar year, although buyer may elect to do so.

(e) *Delivery.* Seller, at his own expense, shall deliver and unload all ores at the buyer's depots at Monticello, Utah, or Durango, Colorado. (Additional depots may be established at later dates.) Deliveries shall be in lots of not less than 10 short tons (2,000 pounds per ton), but such lots may be delivered in more than one load. Days and hours during which ore may be delivered to a depot will be posted at the depot. The exact date on which ore buying will commence at the two depots mentioned will be announced later; no deliveries will be accepted prior to this announced date. It is expected that the Monticello depot will be ready to receive ore during the month of July 1948, and that the Durango depot will be in operation shortly thereafter.

(f) *Weighing, sampling and assaying.* Buyer will bear the cost of weighing, sampling and assaying. The net weight of each load will be determined by the

buyer's weighmaster on scales which will be provided by the buyer at or in the vicinity of the purchase depot and such weight will be accepted as final. A weight ticket will be furnished seller or his representative for each load. Each lot of ores will be sampled promptly by the buyer according to standard practice and such sampling will be accepted as final. Seller or his representative may be present at the sampling at his own expense. The absence of seller or his representative shall be deemed a waiver of this right. Buyer will make moisture determinations according to standard practices in ore sampling. All final samples will be divided into four pulps and distributed as follows: (1) the seller, or his representative, will receive one pulp; (2) the buyer will retain one pulp; (3) the other two pulps will be reserved for possible umpire analysis. The buyer's pulp will be assayed by the buyer. The seller may, if he desires, and at his own expense, have his pulp assayed by an independent assayer. In case of disagreement on assays as to any constituent of the ores, an umpire shall be selected in rotation from a list of umpires approved by the buyer whose assays shall be final if within the limits of the assays of the two parties; if not, the assay which is nearer to that of the umpire shall prevail. The party whose assay is the farther from that of the umpire will pay the cost of the umpire's assay for the constituent of the ores which is in dispute. In the event that the umpire's assay is equally distant from the assay of each party, costs will be split equally. In case of seller's failure to make or submit assays, buyer's assays shall govern. After sampling, the ores may be placed in process, commingled, or otherwise disposed of by buyer.

(g) *Payment.* Buyer will make payment promptly on payment dates to be posted at depots. Payment will not be made until an entire minimum lot of ten short tons (2,000 pounds per ton) has been delivered and accepted, unless special arrangements have been agreed upon by buyer, in which case there may be an extra charge for assaying and sampling. The analysis of any one lot consisting of more than one load will be based on a composite of the samples taken. Moisture determinations, analyses and settlement sheets, together with the check in payment, will be mailed to seller.

(h) *Inquiries.* All inquiries concerning the provisions of this section, offers to deliver ores, or questions about the Commission's uranium program in the Colorado Plateau area should be addressed to:

United States Atomic Energy Commission,
Post Office Box 270,
Grand Junction, Colorado.
Telephone: Grand Junction 3000.

(i) *Licenses.* Arrangements will be made by the Commission for the issuance of licenses, pursuant to the Atomic Energy Act of 1946, covering deliveries of source material to the Commission under this section.

SCHEDULE I—MINIMUM PRICES, SPECIFICATIONS, AND CONDITIONS

1. *Quality and size.* Ores will not be accepted by buyer under this section which, in buyer's judgment at time of acceptance:

(a) Contain less than 0.10% U_3O_8;

(b) Contain more than three parts of lime ($CaCO_3$) to one part of V_2O_5, or a total of more than 6% lime in the ore;

(c) Contain other impurities deleterious to buyer's extraction process;

(d) Contain lumps in excess of 12 inches in size.

2. *Prices.* Payment for delivery of the ores will be computed on the following basis:

(a) *Vanadium.* V_2O_5 at $0.31 per pound up to, but not exceeding, ten pounds of V_2O_5 for each pound of U_3O_8 contained in ores. No factor will be included for V_2O_5 in excess of ten pounds for each pound of U_3O_8. (Example: For an ore containing two pounds of U_3O_8 and twenty-five pounds of V_2O_5, payment would be made for twenty pounds of V_2O_5 at $0.31 per pound, but no payment would be made for the additional five pounds.) Such excess V_2O_5 shall be deemed to be buyer's property.

(b) *Uranium.* (1) Ores assaying less than 0.10% U_3O_8, no payment. Any such ores which are delivered to the purchase depot shall become the property of the buyer as liquidated damages for buyer's expense of weighing, sampling and assaying, and after sampling may be placed in process, commingled, or otherwise disposed of by buyer. If seller has any question as to the quality of his ore, it is suggested that before shipment and delivery to the purchase depot a representative sample be submitted to the buyer or to one of the umpires for assay at seller's expense. The buyer at his discretion may assay a limited number of samples without charge.

(2) Ores assaying 0.10% U_3O_8 up to 0.15%, price of $0.30 per pound of contained U_3O_8 for 0.10% ore, plus $0.30 per pound for each 0.01% above 0.10% U_3O_8 up to (but not including) 0.15%. (Example: The contained U_3O_8 in an ore assaying 0.13% U_3O_8 per ton would be paid for at $0.30+(3\times0.30)=\$1.20$ per pound.)

(3) Ores assaying 0.15% U_3O_8 and more: base price of $1.50 per pound U_3O_8 content, plus a "development allowance" (at seller's option) of $0.50 per pound, or a total of $2.00 per pound U_3O_8 content.

(4) Premiums: $0.25 per pound for each pound of U_3O_8 in excess of 4 pounds U_3O_8 per short ton (2,000 pounds per ton) and an additional premium of $0.25 per pound for each pound in excess of ten pounds U_3O_8 per ton of ore.

(Example: U_3O_8 payments for a short ton of ores assaying 0.6% U_3O_8 would be as follows:

Base price 12 lbs. @ $1.50	$18.00
Development allowance 12 lbs. @ $0.50	6.00
Premium 8 lbs. (12–4) @ $0.25	2.00
Additional Premium 2 lbs. (12–10) @ $0.25	.50
Total U_3O_8 Payments	26.50)

(c) Assays shall be adjusted to the nearest 0.01% for purposes of payment.

NOTES: 1. The "development allowance" of $0.50 per pound of U_3O_8 contained in ores assaying 0.15% U_3O_8 or more, is offered by buyer in recognition of the expenditures necessary for maintaining and increasing the developed reserves of uranium ores. Sellers accepting this allowance are deemed to agree to spend such funds for the development or exploration of their properties. Sellers delivering less than 1,000 short tons per calendar year will not be required to submit an accounting record of expenditures for development or exploration pursuant to this agreement but sellers delivering in excess of 1,000 short tons per calendar year will be required, under the terms of their contracts, to submit proof satisfactory to the Commission that funds equivalent to the amount received as development allowance have been spent for development or exploration during the contract period or within six months thereafter.

2. Commitments by the Commission to accept delivery of ores are limited to the provisions of this section, as amended from time to time, or to written contracts between the Commission and sellers. Other commitments purporting to be made by the Commission's field personnel or other agents of the Commission will not bind the Commission unless they are in accord with the provisions of this circular or other official circulars.

3. Weights are avoirdupois dry weight; tons are short tons (2,000 pounds per ton).

(Sec. 5 (b), 60 Stat. 761)

Effective date. This circular will become effective at midnight, April 11, 1948.

Dated at Washington, D. C., this 9th day of April 1948.

By order of the Commission.

WALTER J. WILLIAMS,
Acting General Manager.

[F. R. Doc. 48-3427; Filed, Apr. 19, 1948; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4333]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PARKER PEN CO.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.72 (k 5) *Offering deceptive inducements to purchase or deal—Repair or replacement guarantee.* In connection with the offering for sale, sale, and distribution of respondent's fountain pens in commerce, (1) using the words "Guaranteed for Life," "Life Guaranteed," "Guaranteed Life Contract," "Life Contract Guarantee," or any word or words of similar import, alone or in conjunction with any other word or words, to designate, describe, or refer to respondent's pens, or otherwise representing, directly or by implication, that such pens are unconditionally guaranteed for life, unless respondent does in fact make, without expense to the owner, any repairs or replacement of parts which may be necessitated during the life of the owner by any cause other than wilful damage or abuse; (2) representing, directly or by implication, that respondent's pens are unconditionally guaranteed for any designated period of time, unless respondent does in fact make, without expense to the owner, any repairs or replacement of parts which may be necessitated during such designated period by any cause other than

wilful damage or abuse; (3) representing, directly or by implication, that respondent's pens contain fourteen less parts than other self-filling fountain pens; or that respondent's pens contain any smaller number of parts than other pens, when such is not the fact; (4) representing, directly or by implication, that the points on respondent's pens are "Scratchproof"; or (5) representing that its pens are guaranteed for life, or other designated period of time, where a charge is imposed by respondent for servicing said pens or for parts, unless the terms of limitation of the guarantee as imposed by respondent from time to time, including the amount of any charge that may be made, are placed close to the words "Guaranteed for Life," "Life Guaranteed," "Guaranteed Life Contract," "Life Contract Guaranteed," or any word or words of similar import, and in print of the same size as the other regular printed matter in its advertisements; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45) [Modified cease and desist order, The Parker Pen Company, Docket 4338, February 9, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1948.

This day this proceeding came on again to be heard on the cease and desist order entered herein on the 3d day of May, 1945; on the final decree of the United States Circuit Court of Appeals for the Seventh Circuit handed down on the 6th day of June, 1947 modifying the aforesaid cease and desist order; and the Commission this day having modified its former cease and desist order in conformity with and as directed by the said Court;

Now, therefore, the Commission issues this, its modified order to cease and desist:

It is ordered, That the respondent, The Parker Pen Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's fountain pens in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Guaranteed for Life," "Life Guaranteed," "Guaranteed Life Contract," "Life Contract Guarantee," or any word or words of similar import, alone or in conjunction with any other word or words, to designate, describe, or refer to respondent's pens, or otherwise representing, directly or by implication, that such pens are unconditionally guaranteed for life, unless respondent does in fact make, without expense to the owner, any repairs or replacement of parts which may be necessitated during the life of the owner by any cause other than wilful damage or abuse.

2. Representing, directly or by implication, that respondent's pens are unconditionally guaranteed for any designated period of time, unless respondent does in fact make, without expense to the owner, any repairs or replacement of parts which may be necessitated during such designated period by any cause other than wilful damage or abuse.

3. Representing, directly or by implication, that respondent's pens contain fourteen less parts than other self-filling fountain pens; or that respondent's pens contain any smaller number of parts than other pens, when such is not the fact.

4. Representing, directly or by implication, that the points on respondent's pens are "Scratchproof."

5. Representing that its pens are guaranteed for life, or other designated period of time, where a charge is imposed by respondent for servicing said pens or for parts, unless the terms of limitation of the guarantee as imposed by respondent from time to time, including the amount of any charge that may be made, are placed close to the words "Guaranteed for Life," "Life Guaranteed," "Guaranteed Life Contract," "Life Contract Guaranteed," or any word or words of similar import, and in print of the same size as the other regular printed matter in its advertisements.

It is further ordered, That the respondent shall, within thirty (30) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-3449; Filed, Apr. 19, 1948; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[No. 630]

PART 203—OPERATION

DISPOSITION OF INFERIOR LIENS

APRIL 14, 1948.

Resolved that in accordance with § 201.2 (b) of the rules and regulations for the Federal Savings and Loan System (24 CFR 201.2 (b)) paragraph (a) of § 203.13 of said regulations (24 CFR 203.13 (a)) is hereby amended, effective April 20, 1948, by striking therefrom the last sentence which is as follows: "No Federal association which holds a mortgage or other instrument securing a debt which is a first lien upon real estate and which simultaneously holds one or more additional mortgages or other instrument securing a debt and constituting liens inferior to the first lien upon the same real estate, shall sell or otherwise dispose of any such mortgage or other instrument, unless it shall simultaneously sell or otherwise dispose of all mortgages or other instruments constituting inferior liens upon the same real estate."

Resolved further that the aforesaid amendment is hereby found to be one of a minor, technical character of no particular interest to the public and one which relieves certain restrictions, thereby making unnecessary notice and public procedure thereon or deferment of the effective date herein recited.

(Sec. 5 (a) 48 Stat. 132, sec. 4, 60 Stat. 238; 12 U. S. C. 1464 (a) 5 U. S. C. 1003; Reorg. Plan No. 3 of 1947, 12 F R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-3451; Filed, Apr. 19, 1948; 8:52 a. m.]

Chapter III—Federal Savings and Loan Insurance Corporation

[No. 629]

PART 301—INSURANCE OF ACCOUNTS

DISPOSITION OF INFERIOR LIENS

APRIL 14, 1948.

Resolved that in accordance with § 301.22 (b) of the rules and regulations for Insurance of Accounts (24 CFR 301.22 (b)) § 301.18 of said regulations (24 CFR 301.18) is hereby amended, effective April 20, 1948, by striking therefrom the last sentence which is as follows: "No insured institution which holds a mortgage or other instrument securing a debt which is a first lien upon real estate and which simultaneously holds one or more additional mortgages or other instruments securing a debt and constituting liens inferior to the first lien upon the same real estate, shall sell or otherwise dispose of any such mortgage or other instrument, unless it shall simultaneously sell or otherwise dispose of all mortgages or other instruments constituting inferior liens upon the same real estate."

Resolved further that the aforesaid amendment is hereby found to be one of a minor, technical character of no particular interest to the public and one which relieves certain restrictions, thereby making unnecessary notice and public procedure thereon or deferment of the effective date herein recited.

(Sec. 403 (b) (c) 48 Stat. 1257, Sec. 23, 49 Stat. 298, Sec. 4, 60 Stat. 238; 12 U. S. C. 1726 (b) (c) and Sup., 5 U. S. C. 1003; Reorg. Plan No. 3 of 1947, 12 F R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-3450; Filed, Apr. 19, 1948; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

TRIBUTARIES OF SAN FRANCISCO BAY AND SAN PABLO BAY, CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.712 containing special regulations governing the operation of drawbridges across certain tributaries of San Francisco Bay and San Pablo Bay, California,

is hereby amended by substituting "State of California" for "Alameda County" in paragraph (c) by deleting paragraph (f) relating to Gallinas Creek and renumbering the remaining paragraphs, and by changing paragraph (g) relating to Petaluma Creek, as follows:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.* * * *

(c) *San Leandro Bay; State of California highway bridge between Alameda and Bayfarm Island.* * * *

(f) *Novato Creek; Northwestern Pacific Railroad Company bridge and State of California highway bridge near Ignacio and Northwestern Pacific Railroad Company bridge near Novato.* * * *

(g) *Petaluma Creek*—(1) *Northwestern Pacific Railroad Company bridge at Black Point.* * * *

(2) *City of Petaluma highway bridge at Washington Street, Petaluma.* At least six hours' advance notice is required. To be given to the operator of the "D" Street Bridge, telephone Petaluma 191–R.

(h) *Sonoma Creek.* * * *

(i) *Mare Island Strait, Napa River, and their tributaries.* * * *

[Regs. 25 Mar. 1948, CE 823.01—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-3445; Filed, Apr. 19, 1948; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

RADIO COMMUNICATION

Regulation 173.1 as renumbered (former Regulation 171.1) codified herein as § 4.142, is amended to read as follows:

§ 4.142 *Information required.* As soon as radio communication can be established, vessels shall report via the local Government shore radio stations to the Port Captains their names, whether or not they desire to pass through the canal, requirements, probable time of arrival, draft, and any other matters of importance and interest. If this information has been previously communicated to the Port Captain, through agents or otherwise, it will not be necessary to report by radio anything but the probable time of arrival and this shall always be sent to the Port Captain by radio via the local Government shore radio stations at least 48 hours in advance of arrival. Vessels approaching the Canal from the Pacific, in addition to the above, shall report time of passing Cape Mala and the speed being made good. Vessels approaching from the Atlantic, in addition to the above, shall report 12 hours prior to arrival any change of one hour or more from the original expected time of arrival. (Rule 173 of E. O. 4314, Sept. 25, 1925, as amended; 35 CFR, Cum. Supp., 4.141c)

F. K. NEWCOMER,
Acting Governor

MARCH 11, 1948.

[F. R. Doc. 48-3442; Filed, Apr. 19, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Ch. IX]

[Docket No. AO-188]

HANDLING OF PEACHES GROWN IN NORTH AND SOUTH CAROLINA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED MARKETING ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR, and Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of peaches grown in North Carolina and South Carolina, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Public hearings, on the record of which the proposed marketing agreement and marketing order (hereinafter called the "order") were formulated, were held at Spartanburg, South Carolina, on January 5–6, and at Rockingham, North Carolina, on January 8–9, 1948, pursuant to notice thereof published in the FEDERAL REGISTER on December 20, 1947 (12 F. R. 8681) Said notice contained a draft of a proposed order which had been presented to the Secretary of Agriculture (hereinafter called the "Secretary") by committees of growers representing the important producing districts of South Carolina and North Carolina, respectively, with petitions for hearings thereon. The objective of such proposal was to bring to the peach industry of North and South Carolina the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.) (hereinafter called the "Act"), and to seek to accomplish the declared purposes of that legislation.

The material issues presented on the record of the hearing were:

(1) The desirability of and economic justification for entering into a marketing agreement and the issuing of an order for the handling of peaches grown in the North and South Carolina production area.

(2) The necessity to define and the equitable scope of definitions for Secretary, act, person, production area, peaches, grade, size, maturity, district, ship, grower, fiscal period, and shipper.

(3) The necessity to administer the order through an administrative committee and the equitable nature of provisions pertaining to its (a) establishment, (b) representation, (c) selection, (d) eligibility, (e) vacancies, (f) qualification, (g) alternate members, (h) term of office, (i) compensation, (j) powers, (k) duties, (l) procedure, and (m) advisory council composition and operation.

(4) The necessity to authorize the committee to incur expenses necessary for its operation; the necessity to provide for the raising of funds to defray such expenses through levying of assessments on handlers; the necessity to account for funds received from assessments, with distribution of excess funds, if any, among handlers on the basis of their contribution thereto; and the necessity to permit the committee to maintain suits for collection of assessments.

(5) The necessity to establish a minimum standard of maturity, which shall be subject to a 10 percent tolerance when no grade regulation is in effect.

(6) The necessity to provide for a marketing policy report, together with the necessary contents thereof, to be submitted by the committee prior to recommending the establishment of minimum standards of quality or the regulation of shipments by grades or sizes, or both.

(7) The necessity to regulate peach shipments to points outside the production area and the necessity for and equitable nature of provisions providing that: (a) The committee shall, whenever it deems it advisable to regulate shipments of particular grades or sizes, or both, or establish minimum standards of quality, of peaches of any or all varieties, recommend to the Secretary the particular grades or sizes, or both, or minimum standards of quality, of any or all varieties of peaches deemed advisable to be shipped; (b) the committee shall consider certain factors, including competing supplies of and demand for peaches and other relevant factors; (c) the Secretary shall limit the shipment from the production area of peaches of any or all varieties by grades, sizes, or both, or to

minimum standards of quality, whenever he finds, from the recommendations and data submitted by the committee or from other information, that to do so would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; (d) whenever shipments are regulated, including maturity regulation, each handler shall cause his shipments to be inspected by an authorized representative of the Federal State Inspection Service and shall cause copies of the inspection certificates thereon to be submitted to the committee; (e) exemption of shipments from regulation, except maturity regulation, shall be provided whereby any grower who is unable to ship as large a proportion of his peaches, by reason of such regulation, as the average of all growers in his district, so that such grower will be permitted to ship as large a proportion of his peaches as the average of all such growers; (f) appeals from the action of the committee in handling applications by growers for exemption shall be directed to the Secretary who may modify or reverse the action of the committee; (g) prompt exemption action shall be effected on applications for exemption involving hail damage to a grower's peaches; (h) records shall be maintained by the committee showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemption; and (i) minimum standards of maturity and quality shall be modified, suspended, or terminated whenever the Secretary finds that such action will tend to effectuate the declared policy of the act.

(8) The necessity for and equitable nature of provisions providing for nonregulation of: (a) Peaches shipped for consumption by charitable institutions or for distribution by relief agencies; (b) peaches shipped for manufacturing or conversion into byproducts; and (c) with the approval of the Secretary, peach shipments up to and including 1,000 pounds net weight.

(9) The necessity for and equitable nature of the provisions of section 8, and 10 through 22, inclusive, as published in the FEDERAL REGISTER on December 27, 1947 (12 F R. 8681) which are common to orders, and which sections provide for: 8. Compliance; 10. Reports; 11. Right of the Secretary; 12. Effective time and termination; 19. Effect of termination or amendment; 13. Duration of immunities; 14. Agents; 15. Derogation; 16. Personal liability; 17. Separability; 18. Amendment; 20 Counterparts; 21. Additional parties; 22. Order with marketing agreement.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(a) Certain terms, applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the proposed order. These terms should be defined for the purpose of specifically designating their applicability and establishing appropriate limitations to their meaning wherever they are used in the proposal and to preclude the necessity of redefining them wherever they are used in the proposed order. These definitions are necessary and incidental to the operation of the order and for the effectuation of the declared purposes of the act. Definitions of "Secretary" "act" "person" "grower" and "fiscal period" as contained in the proposal set forth in the notice of hearing, were not in controversy at the hearing and are similar to or identical with definitions used in other similar orders. Evidence at the hearing shows that these definitions are self-evident, due to their sources, or they are commonly accepted by growers, shippers, and other interested parties in the peach industry of North and South Carolina. They should be defined as hereinafter set forth.

(b) The "production area" should embrace the two States of North Carolina and South Carolina. The production of peaches in these two States is concentrated principally in two parallel regions running north and south through the east central and western portions of the area, known as the Sand Hills and Piedmont producing regions, respectively. These production belts are continuous in each case up to and through the common state line. Producing conditions in both states are substantially similar in contiguous counties of the same region. The operation of separate orders for the respective states would be associated with serious administrative and enforcement difficulties, and would be more difficult to coordinate than to combine. The two states considered as a unit constitute the smallest practicable production area for the purposes of the proposed order and the act.

(c) "Peaches" should be defined to include all varieties of peaches grown within the production area to specify the commodity to be regulated under the proposed order. "Peaches" should be defined in the order, as hereinafter set forth, to specifically identify the commodity to be regulated thereby.

(d) A definition of "shipper," to be synonymous with "handler," should be incorporated in the order because the burden of regulation falls on handlers in shipping peaches to points outside the production area. Such definition is necessary for the general reasons set forth in (a) above, and it should include terminology bringing all persons, otherwise defined in the order, shipping peaches, except persons acting as mere transportation agents of handlers, within the ambit of the definition. Such exception in the definition should be limited to contract and common carriers because they perform such transportation function on the basis of a service rate and neither of such carriers has a proprietary interest in the commodity moved. The definition should be linked with shipment of peaches because the program is predicated on the regulation of shipments thereof to points outside the production area. Producers who ship peaches of their own production should be handlers under the definition because they have a proprietary interest in the commodity moved and because they are performing a marketing function in effecting such shipments. Shipper should, therefore, be defined as hereinafter set forth.

(e) A definition of "ship", to be synonymous with "handle", is incorporated in the order for the general reasons set forth in (a) above, and to indicate the activity of handlers which will be regulated. Evidence introduced at the hearing shows that regulation of shipments within the production area would not tend to effectuate the policies of the act. The incorporation of this definition in the order is necessary and incidental to accomplish the declared purposes of the act. The definition set forth in the notice of hearing should, therefore, be amended by deleting the words "or so as to burden, obstruct, or affect such commerce."

(f) "Grade" "size", and "maturity", the essential terms in which regulations are issued, should be defined as comprehending the equivalent of the meanings assigned to these same terms, respectively, in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, April 22, 1933, as reissued (12 F. R. 3798) or modification thereof, or variations based thereon. Such definitions will, on the basis of "modification thereof", include amendments to the Standards which may hereafter be made, either by changes in the connotation of certain concepts therein used, or by the addition of quality factors not now used in grade determination, or other amendments. These definitions will, on the basis of "variations based thereon", permit such variations from the Standards as may be recommended by the Committee and approved by the Secretary, such as, for example, increasing or decreasing tolerances for immaturity, or other grade defects, and such other adjustments as may be deemed advisable for the purposes of section 5 or 6 of the order. The incorporation of these three definitions in the order is necessary to permit all individuals affected by the order to determine with specificity the requirements thereof and to specifically and intelligibly interpret regulations issued pursuant to the order.

(g) "District" should be defined to include each of the divisions of the production area as hereinafter set forth.

The Piedmont, Sand Hills, and Ridge regions are separate and distinct peach producing areas in North and South Carolina. The boundaries which have been established for these regions are fixed along lines roughly midway between the respective areas. Division of the Piedmont and Sand Hills regions of the production area at the state line was made to create separate districts to insure direct representation to each portion of each of such regions. Provision is made in subparagraph (6) of paragraph (1) of section 2, for the Committee to change district boundaries, with the approval of the Secretary, if it should develop that the growers of one or more counties demonstrate that they should be in a different district. It is necessary to establish districts to provide an equitable basis for the election of administrative committee nominees and to provide assurance that the actions of the administrative committee will reflect the production and marketing problems of the various segments of the production area.

(h) The provisions of section 2 of the order, hereinafter set forth, are practicable, equitable, and necessary to establish an agency to act for the Secretary in administering the order under and pursuant to the act.

Identification of the aforesaid agency should be "Growers Administrative Committee" to correctly reflect (1) the administrative character thereof, and (2) the fact that the members of the Committee are to be growers who, by virtue of their occupation, are familiar with the problems of the peach producing and marketing business in North and South Carolina. Such committee should be composed of fourteen members to provide a broad base of representation of various interests amongst peach growers in North and South Carolina.

There should be an alternate member for each member of the Committee to act in the place and stead of such member during the member's absence; such provision is necessary to provide a full committee at all times to act on any and all problems which may be presented to it. Each alternate member of the Committee will, under appropriate circumstances, be acting for the member. Alternate members should have the same qualifications, therefore, as the members of the Committee.

Committee members and alternates should be selected from among the growers in the respective districts. They are to provide representation on the Committee for the production and marketing problems of each of such districts. Committee representation should provide for four members and four alternate members from the Piedmont, South Carolina District; two members and two alternate members from the Piedmont, North Carolina District; four members and four alternate members from the Sand Hills, North Carolina District; two members and two alternate members from the Sand Hills, South Carolina District; and two members and two alternate members from the Ridge District. Representation on the Committee on the basis herein indicated will provide assurance to all growers in the respective districts and to the Secretary that their particular production and marketing problems will be brought to the attention of the Committee and, through the Committee, to the Secretary for appropriate evaluation prior to the issuance of regulations under the order.

The initial members and alternate members of the Committee should be selected by the Secretary as soon as reasonably possible after the effective date of the order to assure expeditious establishment of administrative machinery to permit the early and efficient operation of the order. The order does not require the Secretary to select initial committee members and alternate members from nominations submitted by growers because of the imminence of the 1948 peach marketing season and because such a requirement would unduly delay, if not preclude, operation of the order during such season because of time-consuming incident of the election process involved. The initial members and alternate members of the committee should serve for a term ending on February 28, 1949, or until their successors have been selected and qualified to assure the Secretary of having an agency to administer the order during the entire 1948 peach season without the necessity of conducting grower elections shortly after the issuance of the order.

Members and alternate members of the Committee should be selected for each fiscal period, beginning with March 1, 1949, on the basis of nominee lists submitted to the Secretary as a result of elections conducted by and amongst growers. Such procedure will assure the Secretary that the names of appropriate prospective committee members and alternate members in each district are brought to his attention, and will assure the growers in each district of having a voice in the appointment of committee members and alternate members familiar with their production and marketing problems. Arrangements for such grower meetings to elect such nominees shall be made by the Committee prior to December 31 of each year to allow sufficient time for appropriate action to be taken in selecting committee members and alternate members prior to the beginning of the fiscal period. The Secretary should be permitted to make arrangements for grower meetings to elect nominees in the event the committee does not do so by December 31 of each year. These provisions are necessary to assure the Secretary that there will be a continuing agency in existence to discharge administrative duties under the order and the act.

Election meetings of growers should be conducted under the supervision of a chairman and a secretary selected by the growers to assure a harmonious, business-like consummation of the election business confronting such meetings. The chairman, so selected, should announce the name of each person for whom a vote has been cast as a member or alternate member of the committee, together with the total number of votes cast for each such person, so that the growers may know promptly the results of their elections. The chairman or the secretary of such election meetings should transmit the results of elections, as aforesaid, to the Secretary immediately after the election to permit the Secretary the maximum possible time for consideration and evaluation of the qualifications of each nominee presented to him for selection as a member or alternate member of the committee. At least one nominee should be selected for each member and at least one nominee should be selected for each alternate member of the committee, in accordance with section 2 (b) of the order, to supply the Secretary with the name of at least one qualified person for selection as a committee member or alternate. Each grower should be entitled to cast only one vote for nominees to prevent any individual grower from exercising undue influence in the election of such nominees.

The committee should be permitted to prescribe, with the approval of the Secretary, additional rules and regulations, not inconsistent with the provisions of the order, for the conduct of elections to select nominees for members and alternate members of the committee, including provisions for election by mail, to permit the committee the maximum latitude in accomplishing such elections consistent with necessary limitations of law.

The Secretary should be permitted to select members and alternate members of the committee from nominee lists supplied to him, as aforesaid, or from among other growers, to permit the Secretary to select qualified individuals in the event that nominee lists do not supply the names of qualified persons from each district. This provision is also necessary to permit the Secretary to exercise his sound discretion in discharging the duties devolving upon him under the act in administering marketing agreement and order programs.

Each person nominated or selected to serve as a member or alternate member of the committee should be a grower of peaches in the district from which he was nominated, or in the district to be represented by him, or should be an officer, employee, or agent of a grower in such district to assure the growers of such district and the Secretary that the production and marketing problems of such district will be considered in all actions of the committee under the order.

Vacancies on the committee arising for any reason, should be, in the sound discretion of the Secretary, filled by the Secretary without waiting for nominations to be submitted as aforesaid. Such provision is necessary to assure growers and the Secretary that the committee will be in a position to operate at full strength at all times. The Secretary should be permitted to, in his sound discretion, select members and alternate members on the committee from such sources as may be available to him in the event that nominee lists are not supplied to him by February 15 of each fiscal period, so that the continuity of the administration of the order will not be disturbed through laches of any committee.

Each person selected as a member or alternate member of the committee shall qualify for service thereon by filing with the Secretary within 15 days of notification, a written acceptance of appointment to supply the Secretary with written assurance that all individuals selected by him as committee members or alternate members will serve on the committee, or permit him to make additional selections, if necessary, to constitute a full committee of fourteen members and their alternate members.

Committee members and alternate members should serve on the committee for one year, the fiscal period, which is the usual and business-like term of office for comparable committees in other marketing agreements and orders. Such members and alternate members of the committee, however, should serve for an additional period from the normal termination of their term of office to the date of qualification of their successors, if such successors have not been selected and qualified at the time of the normal termination of their term of office. This provision is necessary to establish con-

tinuity of control in the administration of the order.

Committee members and their alternates when acting for members, or when designated by the Committee to act, should receive an amount not in excess of $5.00 per day for attendance at meetings, for consultation or conference with other committees or representatives thereof, or while attending to other committee authorized business. Such provision is necessary to supply some measure of compensation to members and alternate members for the time spent by them in attending to duties under the order. In addition to the foregoing per diem allowance, committee members and alternate members under the circumstances hereinbefore enumerated may be reimbursed for all reasonable expenses incurred. If per diem and expenses were not allowed to committee members and alternate members, as herein found to be necessary, it would probably be difficult or impossible to find qualified individuals who would serve on the committee.

Committee powers should be those set forth in 8 (c) (7) (C) of the act. Such powers as hereinafter set forth, must be vested in the committee to permit the committee to discharge its duties under the order.

Committee duties, hereinafter set forth, are necessary and incidental for the discharge of the committee's responsibilities under the order. The committee should act as an intermediary between the Secretary and growers and handlers because of the impossibility for the Secretary to handle all communications and requests which will arise under the proposed order. The committee should keep minute books and records to clearly reflect all of its acts and transactions in order to supply itself and the Secretary with immediately available and detailed information on all phases of activities under the proposed order. The committee should maintain books of account and require them to be audited at least once each fiscal period, as well as at such other times deemed necessary by it or the Secretary, to comply with business-like procedure in the handling of funds. The committee should file copies of audit reports with the Secretary and prepare, from time to time, financial statements, in order to supply all interested parties with current information on the status of its financial affairs. The committee should submit to the Secretary, prior to May 1 of each fiscal period a budget of its proposed expenses and a proposed rate of assessment for that fiscal period to permit the Secretary to approve the budget and fix an assessment rate which will produce funds equal to reasonable expenses, prior to the probable date on which the Committee will begin to incur expenses.

The committee should furnish the Secretary with such available information as may be requested to permit the Secretary to intelligently discharge his duties under the act. The committee should consult with other peach marketing agreement and order committees established under the act to permit the committee to obtain wide general information on production and marketing problems in other areas and to permit intelligent coordination, where possible, of the administration of the proposed order with other marketing agreement and order programs. The committee should select a chairman and such other officers and employees deemed advisable to appropriately discharge its administrative functions under the proposed order.

The committee should redefine the districts described in the proposed order or change the numerical representation on the committee from such districts whenever peach growers in the production area demonstrate a necessity therefor, subject to the approval of the Secretary and the concurring vote of not less than eight members of the committee. Redefining districts or changing the numerical representation on the committee from such districts is necessary to assure growers and the Secretary that the committee representation will reflect an adequately weighted representation of the production and marketing problems of all segments of the producing area. Approval of the Secretary and eight concurring votes are necessary in connection with redefining districts and changing numerical representation on the committee, as aforesaid, to assure all parties affected by the proposed order of equitable treatment and that the activities will not be consummated without mature prior consideration.

The committee should prepare and submit a marketing policy report to the Secretary prior to making recommendation for regulation to supply itself and the Secretary with a sound basis for the making and consideration of such regulation.

The committee should give notice of its meetings to the Distributors' Advisory Council and the Secretary in the same manner as notice is given to its members, so that, if desirable, council members and the Secretary may participate in such meetings, or communicate with the committee with respect to desirable or suggested items to be considered by the committee in such meetings. The committee should supervise regulations of shipments under the proposed order to assist the Secretary in discharging his duties under the act. The committee should investigate and assemble data on production and marketing problems applicable to peaches, and should engage in such research and service activities in connection with the handling of peaches as may be approved by the Secretary to supply itself with a continuing and up-to-date source of information relevant to methods of improving production and marketing conditions for peaches grown in the production area, for alleviating problems concerning such production and marketing conditions, and to supply data and information to justify, if necessary, new or amended recommendations of regulations. The committee should, upon the selection and qualification of a majority of its members, organize and commence to function to assure expeditious initiation of appropriate activities under the proposed order and to assure the uninterrupted continuation of such activities.

A quorum of the committee should consist of nine members with the distribution of such members as hereinafter set forth to make sure that all committee activities will reflect the participation of representatives of all production and marketing interests in the production area. Eight concurring votes, distributed as hereinafter provided, should be required for all regulatory decisions of the committee, for all redistricting decisions of the committee, and for decisions of the committee altering the numerical representation from districts. Such concurring vote and distribution requirements are necessary to provide assurance that the activities to be accomplished in connection therewith are effected only after mature consideration, and that such activities will be accomplished after obtaining the view of grower representatives from all districts in the production area. Quorum and concurring vote requirements should be changed, where necessary, by the committee with the approval of the Secretary, to permit appropriate changes which may be required by and as a result of experience in the operation of the proposed order or as a result of changes in the production and marketing problems of the production area.

The committee should be permitted to vote by mail or in any other manner to permit expeditious discharge of their duties under the proposed order. Voting by mail or otherwise should be confirmed promptly in writing to supply the committee with a written record of all committee activities. Mail voting should not be permitted at an assembled meeting of the committee because absentee voters would not have an opportunity of basing their votes on pertinent information disclosed to the committee at the meeting. The committee should adopt such rules and regulations not inconsistent with specific provisions of the proposed order for the conduct of its business to provide procedure for the expeditious discharge of its duties.

A Distributors' Advisory Council, consisting of nine handler members, should be established to supply the committee with detailed marketing information which would otherwise be unavailable to the committee. Nine members on the council are necessary to supply a representative thereon with marketing information applicable to peaches produced in all portions of the production area. The council should submit recommendations to the committee with respect to (1) regulations in existence under the proposed order, and (2) regulations being considered by the committee or the Secretary.

The nine members of the council should be designated, as hereinafter set forth, because such procedure will provide an easy method of identifying council members and will result in the composition of a council reflecting handler representation from all portions of the production area. The procedure for designating council members is not deemed to be inequitable, although the nine

largest handlers in the production area will constitute the membership. Large and small handlers have a community of interest, which would tend towards a common basis for recommendations with respect to proposed regulations. The large handlers, furthermore, have widespread facilities for obtaining information regarding conditions in consuming markets which should prove of value in contributing to the recommendations of the council.

Initial members of the council should be announced by the committee as soon as reasonably possible after the effective date of the order to provide handler advice for the committee at the earliest practicable date. Handlers desiring to serve on the initial committee should, within 15 days of the effective date of the order, file a volume peach shipping affidavit with the committee to supply the committee with appropriate information upon which to base computations determining the nine largest handlers in the production area. Affidavits filed by handlers, other than an individual, should contain the name of an individual who will represent such handler on the council to inform the committee of the identity of all council members.

Members of the council for the fiscal period beginning March 1, 1949, and subsequent fiscal periods, shall be determined by the committee on the same basis as initial members of the council to supply a continuous full-strength advisory body for the assistance of the committee. Eligibility for such fiscal periods shall be determined by the committee from its own record by December 31 of each year to permit timely notice to be sent to eligible handlers. Notice of eligibility should be sent to appropriate handlers to permit such handlers to file acceptance letters with the committee by January 15 of the following year, which will permit the committee to take appropriate steps to select an additional handler or handlers for the council in the event that previously selected handlers do not qualify for membership on the council. Incumbent members of the council should qualify automatically for succeeding terms of office if their volume shipments so warrant, unless notice to the contrary is filed with the committee by January 15 of the fiscal period of their current term, to afford the committee ample time to procure an eligible successor if such incumbent does not desire to continue serving on the council. Vacancies on the council caused by death, resignation, or disqualification should be, in the sound discretion of the committee, filed by the committee on the basis of geographical representation and volume peach shipments from the production area to points outside thereof, as hereinafter provided, to maintain a full-strength council at all times.

Members and alternate members of the committee should not be eligible to be members of the council because to provide otherwise might permit one individual to exercise undue influence in the administration of the proposed order. Council members should be compensated for attendance at meetings, consultations, conferences, or other business authorized by the committee on the same basis as the committee for the same reasons hereinbefore indicated for compensating committee members.

(i) The operation of the committee and of the order necessitates the collection of funds for payment of necessary administrative expenses. The activities of the committee in administering the order and in discharging such other functions in relation thereto as may be assigned to it by the Secretary will entail expenditures which it should be authorized to make. It is necessary and appropriate that such expenses should be incurred under the direction of the committee and that assessments should be levied against the shipment of peaches to market in order to meet such expenses. Assessments should be levied against each handler who first ships peaches from the production area to points outside the production area, because the levying of expenses against all handlers who ship peaches from the production area to points outside of such area will result in more than one assessment being levied on a particular lot of peaches in instances where such lot is handled by more than one shipper. Evidence shows that it is the intention under the proposed order to levy only one assessment upon each lot of peaches shipped from the production area to points outside the area. No assessment should be paid for any shipment of peaches which is exempted from the provisions of the order because such peaches do not compete directly with the peaches regulated pursuant to the provisions of the order.

Assessments should be based on each handler's pro rata share of the expenses incurred by the committee. Pro rata shares should be determined by the proportion of the total assessable quantity of peaches which each handler ships. In determining such pro rata shares of expenses to be effective on handlers, the budget of expenses and revenue should recommend a rate of assessment against shippers which the Secretary can consider and, if he approves, fix as the rate per unit of shipment which handlers must pay. The Secretary should be authorized to increase the rate of assessment which handlers should pay for a specified fiscal period because provision should be made for an increase in revenue to the committee in the event it is found during the course of a given fiscal period that the then current rate of assessments is insufficient to cover expenses. Handlers should be authorized to make advance payments of assessments to the committee if they wish to accommodate the committee in such manner in order that it may perform its functions under the provisions of the order.

If revenues collected through assessments are in excess of expenses at the end of any fiscal period, each handler should be credited with his share of the excess in proportion to his payment of assessments. If any handler who has such a proportionate refund due him so demands, such refund should be effectuated. Such provision for crediting or refunding each handler's proportionate share of the excess of revenue over expenses at the end of each fiscal period is necessary in order to effectuate the policy of the act.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expense in order to assure equitable participation on the part of all handlers in contributing to the expenses incurred by the committee in administering the provisions of the order.

All funds received by the committee pursuant to the provisions of the order should be used solely for the purposes thereof to prevent expenditures for activities not authorized by the order. Provision should be made to enable the Secretary to require the committee to account for all receipts and disbursements in order to assure that proper administration of the funds expended by the committee will be effectuated. Provision should be made for the delivery of all books, records, funds, and other property in the custody of any member or alternate member to his successor in order to assure a continuous and proper administration of such records and property on the part of committee members.

Assessment provisions of the order should be as hereinafter set forth, to conform with the evidence introduced at the hearing, to provide necessary funds to defray the cost of administering the marketing agreement and order, to equitably distribute operating costs of the program among all handlers regulated, and to prevent any possible abuse of the assessment privilege.

(j) Before making any recommendation for regulation of shipments by grades and sizes, or both, or for the establishment of minimum standards for a particular marketing season, the Committee should submit to the Secretary a report setting forth the advisable marketing policy for such season.

The provisions of section 4 specify that such marketing policy report shall indicate the nature and extent of regulations by grades or sizes, or both, or for the establishment of minimum standards of quality then anticipated as probably necessary or desirable in the coming season. By way of justification of the marketing policy thus laid down, the Committee is required to submit supporting data and information relating to the supply and demand factors affecting the marketing of North and South Carolina peaches, together with such other pertinent information as it relied upon in drawing up the policy report. The factors to be considered in arriving at the marketing policy for a particular season should include the estimated quantity of peaches, by varieties, grades, and sizes to be available for shipment from the production area; the estimated maturity dates, by varieties; the estimated production of peaches in competing states and of other competitive fruits; the estimated market prices and direct marketing costs of peaches grown in the production area; the estimated level of consumer purchasing power, and other relevant factors because such considerations are necessary for an adequate evaluation of anticipated marketing conditions and the

preparation of a policy to be followed in shipment regulations. This section also provides for bringing the probable regulation and essential information to the notice of handlers and growers. These provisions are necessary and incidental to a properly informed administration of regulations issued pursuant to the provisions of the order.

(k) Regulation of shipments of peaches grown in the production area should provide a minimum standard of maturity to cause such orderly marketing of peaches as will effectuate the declared policies of the act, and for the establishment of minimum standards of quality to effectuate such orderly marketing of peaches as will be in the public interest. Paragraph (a) of section 5 establishes a minimum standard of maturity, effective with the effective date of the order; and shipments which do not meet the requirements for maturity, as defined in the order, should be prohibited. Evidence shows that the sale of immature peaches to consumers is not in the public interest. An immature peach is one which has been picked at such a stage in its growth that it will not complete the ripening process. An immature peach cannot properly be considered an edible commodity for distribution in commercial fresh channels. Evidence shows further that the shipping of immature peaches from the States of North and South Carolina has affected adversely the demand for peaches shipped from the production area. The offering for sale of green peaches, in fact, tends to create an antagonism for peaches on the part of consumers. Evidence shows that peach producers have been confronted with a reduction in distribution outlets as a result of shipments of immature fruit. The prohibition of shipments of immature peaches will tend to effectuate such orderly marketing as will be in the interest of peach producers in North and South Carolina, as well as in the public interest. This provision is reasonable, equitable and will tend to work no undue hardship upon growers or shippers since it involves simply a delay of one or two days in harvesting the crop—in order to assure that the peaches harvested will be at such a stage as to complete the ripening process—or merely due care in the actual picking of the fruit. There is, in fact, substantial identify of interest between the producers and consumers regarding the problem of maturity of peaches shipped.

The minimum maturity standard should be that specified in the definition of maturity as contained in the U. S. Standards for Peaches, or modifications thereof, or variations based thereon, because such terms provide the standard upon which shipments may be inspected and which is commonly understood by producers and shippers in the production area. A ten percent tolerance for immature peaches should be provided when no other grade regulation is in effect. This tolerance is necessary in order to make allowance for errors in grading and for variations in maturity of peaches which cannot reasonably be sorted out in the customary practices followed in commercial harvesting and packing operations.

Paragraph (b) of section 5 provides for the establishment of minimum standards of quality when recommended by the Committee and approved by the Secretary, or by the initial and independent action of the Secretary. Such standards should be in terms of grade or size, or both, as such terms are defined in the order because these terms provide the framework of standards which commonly are understood and used by producers and shippers in North and South Carolina and are the bases upon which shipments may be inspected. It is necessary to require and provide that recommendations for the establishment of minimum standards of quality be in terms of grade and size because (1) grade represents a composite term, as described in the U. S. Standards, for currently measurable elements of quality, except for size, and (2) size represents a measurable quality element recognized in commercial practice as separate from grade. Like the definition of maturity, these terms should embrace whatever modifications or variations of the U. S. Standards as may be deemed advisable by the Committee, including the omission of specific quality factors in grade, in order to provide the flexibility in the provisions of the order needed to adapt regulations to changes that may be made in the U. S. Standards or to peculiar crop conditions that may warrant variation of particular factors in the U. S. Standards.

Evidence shows that it is not in the public interest to ship peaches which do not conform to such minimum standards of quality as may be established by the Secretary. Peaches which do not meet the requirements of minimum standards of quality are those of which the eating quality is seriously affected by damage from quality factors. Such quality factors are enumerated in the U. S. Standards for Peaches. These factors include serious damage resulting from bacterial spot when any cracks are not well healed, scab spots when cracked and unhealed, growth cracks when unhealed, hail injury when unhealed, and split pit when causing any unhealed crack. The effect of these factors tends to cause decay which also is specified in the U. S. standards. The edible quality of wormy fruit or fruit with worm holes is seriously affected. Peaches affected as a result of these factors should not be shipped for consumption. Similarly, soft or overripe peaches should not be shipped because they will not reach the consumer in a satisfactory eating condition.

The marketing of extremely small peaches was shown to be contrary to the public welfare. The size of the pit is not proportional to the size of the peach. In an extremely small peach, the edible portion of the peach is relatively small. Evidence shows, moreover, that there is a tendency toward inferior flavor and general lack of quality in extremely small-size peaches.

The minimum standards of quality should not be specified in the provisions of the order since crop conditions which vary considerably from year to year exert a material bearing upon the particular quality factors in the U. S. standards which may be used to specify minimum standards of quality. It is found that the maintenance of orderly marketing through the establishment of minimum standards of quality designed to eliminate poor-quality peaches from being shipped to points outside the production area is in the public interest.

Provision should be made for the modification, suspension, or termination of minimum standards of maturity and quality, after they have been established, in order to enable the termination or revision of such standards in the event that the standards established are found no longer to be in the public interest.

(l) Regulation of shipments of peaches grown in the production area should provide a method to limit the shipment of any or all varieties of peaches during any specified period to particular grades or sizes, or both, when the prices to farmers therefor give peaches a purchasing power with respect to articles that farmers buy equal to or less than the purchasing power of such peaches during the base period. Evidence introduced at the hearing delineated marketing agreement and order provisions to provide a method of accomplishing such regulation under the aforesaid circumstances, which provisions should be as hereinafter set forth. Section 6 authorizes the committee to recommend and the Secretary to issue regulations to limit shipments of any or all varieties of peaches to particular grades or sizes, or both, during a specified period.

Evidence shows that during prior seasons some shippers have engaged in shipping low-grade and small-size peaches to points outside of the production area and that unfavorable results upon the level of prices and returns to growers have accrued as the result of such practices. Prices which have prevailed in terminal markets for small sizes and low grades of peaches have been discounted below the average prices prevailing for all grades and sizes of peaches. The limitation of shipment of such low grades and small sizes tends to improve the composition of supplies shipped to terminal markets from the standpoint of quality, thereby improving average prices and returns to producers for all peaches shipped to consuming markets. Evidence shows that in many instances shipments of low-grade and small-size peaches failed to return the direct costs of harvesting and marketing the peaches, and that the shipment of low-grade and small-size peaches was associated with a greater risk from the standpoint of returns to producers than shipments of better grades and sizes of fruit. The practice of placing low-grade and small-size fruit in the primary markets in competition with good fruit may not only cause direct losses to the growers and shippers of the inferior fruit, but tends to reduce the prices of the better grades and sizes.

Evidence shows that the establishment and maintenance of orderly marketing conditions with respect to the handling of peaches grown in North and South Carolina will, by eliminating the prac-

tices hereinbefore found harmful to the industry, tend to establish prices to the producers thereof at the parity level. Shipments of peaches from the production area constitute the great bulk of total United States peach movement during the weeks of heavy shipments from North and South Carolina, and represent from 80 to 90 percent of the national total in weeks of peak shipments from North and South Carolina. From this it may be concluded that such increases in the general level of peach prices as may be effected by establishing and maintaining orderly marketing conditions in the handling of North and South Carolina peaches will be directly reflected in improved returns to the industry of these two States. Evidence shows that the peach marketing machinery in North and South Carolina is of the type that such price benefits will accrue, either immediately or ultimately, to producers.

The limitation of shipments to particular grades or sizes during a specified period would tend not only to improve returns during that particular period to producers of peaches grown in the production area, but it would also tend to result in an improvement of returns to such producers over a long-term period. The improvement in the average quality of peaches shipped from a particular producing area tends to improve its competitive position with respect to competing areas shipping peaches during the same period. The adoption of orderly marketing practices for peaches produced in North and South Carolina will therefore tend to increase the demand for peaches from this area above what it would tend to be in the absence of such orderly marketing practices.

Paragraph (a) of section 6 provides that the committee shall submit a recommendation to the Secretary whenever it considers it advisable to limit the grades or sizes of peaches to be shipped from the production area and support its recommendation with data and information upon which it relied in arriving at its recommendation. This procedure should be followed in order that the Secretary may be guided in the issuance of regulations by the recommendations of the committee and be provided with all of the available information pertinent to such regulations in taking such action.

Limitation of shipments by grades or sizes, or both, should be made applicable to any or all varieties of peaches grown in the production area. Evidence shows that there is variation in the characteristics of and demand for various varieties of such peaches. In order that the effect of regulation orders may be equitable among producers of various varieties of peaches, the provisions should enable the recommendation of and establishment of different limitations for different varieties of peaches.

In order to provide equity among growers insofar as the effects of any given regulation or set of regulations is concerned, the provisions should allow some producer or producers to ship some peaches which otherwise would be prohibited by the regulations. The provisions of paragraph (c) of section 6 are designed to prevent inequities in the operation of the regulatory provisions of the order. Upon the issuance of limitations by grades or sizes, or both, the committee is required to make a determination of the proportion of each variety of peaches which may be shipped from the respective districts in conformity with the grade or size, or grade and size, limitation imposed. This determination should be undertaken in order to provide an indication of the proportion of the peach crop in any district that will be prohibited from shipment as a result of the limitation order, and to provide a basis for the issuance of exemption certificates to producers who are inequitably affected as a result of the orders. An exemption certificate may thereafter be issued to any grower who furnishes proof satisfactory to the committee that, by reasons beyond his control, he will be prevented, because of the regulation established, from shipping a percentage of a particular variety of his peaches equal to the percentage of all peaches of that particular variety permitted to be shipped from the respective district. This provision should be made because it provides a method whereby producers may be allowed to market their fair share of the supplies of peaches grown in the production area even though their particular crops may have been adversely affected as a result of unfavorable climatic or other conditions. Provision should be made for the committee, by resolution, to adopt a procedure for issuing exemption certificates to producers in a particular district in order to enable equitable treatment of such producers if, by reason of a general crop failure or any unusual conditions within a particular district it would not be equitable to issue exemption certificates to growers within that district on the basis hereinbefore set forth.

Special provision should be made for granting exemption certificates promptly in the case of hail damage. Hail storms may be encountered in the production area during the harvesting period and the perishable nature of peaches requires prompt action if they are to be harvested and marketed in good condition. It is necessary, therefore, that provision be made as is set forth in the order for special attention to the granting of exemption certificates promptly in cases where peaches are damaged by hail and adequate verification of facts is made to the committee.

The committee should maintain records of exemptions applied for and granted together with the information used in determining the quantity of peaches to be exempted and to submit reports to the Secretary regarding such exemptions in order to assure that the administration of the exemption provisions of this section will not be abused. The provisions of paragraph (c) are feasible and are reasonably calculated to eliminate inequities in connection with the administration of regulations limiting shipments by grades or sizes, or both. The provisions authorizing the exemptions set forth in this section provide a basis for the elimination of undue hardship among producers by reason of such limitations of shipments as may be imposed pursuant to the provisions of the order.

It is necessary for the operation of regulations under order for the committee and for the Secretary to have evidence which will show either compliance or non-compliance by handlers with the terms of the regulations. Evidence may be readily supplied by means of Federal-State Inspection Certificates. Inspections which representatives of the Federal-State Inspection Service offer and the certificates of inspection which they issue are commonly recognized throughout the production area, and in all domestic markets, as authoritative evidence of the subject product's definitive characteristics. Handlers should be required to have their shipments of peaches inspected before they are shipped so that authoritative evidence relating to characteristics of peaches in such shipment will be available to the committee and to the Secretary. Reasonably prompt Federal-State inspection can be accomplished at all points in the production area for reasonable fees.

The provisions of section 7 are essential to the effective supervision of such shipping limitations as may be established under the order pursuant to sections 5 and 6, because proof of compliance with the regulatory orders issued hereunder can only be furnished on the basis of evidence supplied by the inspection of shipments which are to move out of the production area. It is reasonable and necessary, therefore, that handlers should be required to submit each shipment of peaches to official inspection, and to file a copy of the certificate issued thereon with the Committee. Such certificate will constitute prima facie evidence of the grade, size, or maturity of peaches shipped, or any combination of the foregoing currently being regulated under the order.

(m) The shipment of peaches for consumption by charitable institutions or for distribution by relief agencies does not appreciably affect the market price for peaches. Shipments which are made for these specific purposes might not otherwise take place because of the inability of the consuming agencies to buy in normal markets, hence it is desirable that such outlets should be provided with peaches that are fit for consumption but which might otherwise not be consumed unless they are not subjected to regulations under the marketing agreement and order. Also, peaches shipped for manufacturing, processing, canning, or conversion into by-products on a commercial scale should not be subject to regulation, because such peaches do not directly compete with peaches shipped to commercial outlets for consumption in fresh form.

The committee should be authorized to recommend the exemption of shipments of small quantities of peaches from the provisions of the order if it is found impracticable to require that every shipment conform to the provisions of the order. Provision is made in section 9 authorizing the Committee, with the approval of the Secretary, to exempt shipments up to and including one thousand pounds net weight (twenty bushels). The administrative difficulties involved

in attempting to regulate such small lots of peaches may render it impracticable, and the expense involved in inspection and investigation may be found to outweigh whatever benefits might accrue from their regulation.

(n) The provisions of section 12, relating to effective time and termination of the order, are common to marketing agreements and orders now operating and are in conformity with section 8c (16) of the act. The notice of hearing on the proposed order contained a provision requiring the Secretary to hold a referendum within the period beginning September 1, 1949, and ending March 31, 1950, and again every two years thereafter, within the same seven-month period, to determine whether the termination of the order is favored by growers. The inclusion of this provision is not necessary because the order provides other means whereby growers may take steps to terminate the program, and the provisions of section 12 should be as hereinafter set forth. The evidence shows that ample means are provided in the order, other than through the biennial referendum, to bring to the attention of the Secretary the desire of the growers to terminate the program, should such a condition arise. The compulsory holding of such referenda is an unnecessary expense and burden to the industry.

(o) The provisions of sections 8, 10, 11, and 13 through 22, as hereinafter set forth, are common to marketing agreements and orders now operating. These provisions are incidental to, and not inconsistent with the act, are necessary to effectuate the other provisions of the order, and are necessary to effectuate the declared purposes of the act. Testimony at the hearing supports the inclusion of each of these provisions as hereinafter set forth. These provisions, identified by section numbers and title, are as follows:

Section 8. Compliance; Section 10. Reports; Section 11. Right of the Secretary; Section 13. Duration of Immunities; Section 14. Agents; Section 15. Derogation; Section 16. Personal liability; Section 17. Separability; Section 18. Amendments; Section 19. Effect of termination or amendment; Section 20. Counterparts; Section 21. Additional parties; Section 22. Order with marketing agreement.

(p) It is hereby found and proclaimed that: (1) The parity price for peaches grown in North and South Carolina cannot be satisfactorily determined from available statistics of the Department of Agriculture on the August 1909–July 1914 base period specified in section 2 (1) of the act, and (2) parity can be satisfactorily determined from such statistics, however, on an August 1919–July 1929 base period.

Prices to producers of peaches in North and South Carolina during the 1947 season averaged less than fifty percent of parity as determined under sections 2 (1) and 8 (e) of the act. Carolina peach prices have been below parity in every season since 1939—except for the crop failure year of 1943—and have indicated a declining trend for the last four seasons. The record also shows that the prices of articles that farmers buy have continued to rise measurably throughout the several months since the close of the 1947 peach season.

Evidence introduced at the hearing shows that the production of peaches in North and South Carolina has risen sharply over the past several years and that production is expected to increase still further during the next several seasons. In the absence of some disaster to the bearing acreage of peaches in North and South Carolina, production of peaches in these states is expected to result in additional supplies of peaches from this area which may be expected to depress prices and returns to growers below the levels experienced during recent seasons. It can reasonably be anticipated, therefore, that peach prices to growers in North and South Carolina will be below parity during the forthcoming seasons.

The proposed order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to peaches produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such peaches a purchasing power with respect to the articles that the producers thereof buy equivalent to the purchasing power of such peaches in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demands in domestic markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to growers of such peaches above the level which it is declared in the act to be the policy to establish, and (3) by establishing such minimum standards of quality, maturity, and inspection requirements as will effectuate such orderly marketing of such peaches as will be in the public interest.

Rulings on proposed findings and conclusions. The period January 10–31, 1948, was set by the hearing examiner on the record as the time in which briefs might be filed by interested parties with respect to facts and conclusions presented in evidence at the hearings. No briefs have been filed, and rulings thereon, consequently, are unnecessary.

Recommended marketing agreement and order The following proposed marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. (7 U. S. C. 601 et seq.)

(c) "Person" means an individual, marketing agent, partnership, corporation, marketing agency, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means the States of South Carolina and North Carolina.

(e) "Peaches" means all varieties of peaches grown within the production area.

(f) "Shipper" is synonymous with "handler" and means any person (except a common or contract carrier of peaches owned by another person) who, as owner, agent, or otherwise, ships or handles peaches in fresh form, or causes peaches to be shipped or handled in fresh form, by rail, truck, boat, or any means whatsoever.

(g) "Ship" is synonymous with "handle" and means to sell, transport, or in any other way to place peaches in the current of interstate commerce from the production area to a point outside the production area.

(h) "Grower" means any person engaged in the production of peaches for market and includes all persons having share interest in such production. As used in section 6 (c) "grower" also means the purchaser of a crop of peaches on the trees.

(i) "Fiscal period" means the period beginning on March 1 of each year and ending on the last day of February of the following year.

(j) "Grade" means any one of the officially established grades of peaches as defined and set forth in the U. S. Standards for Peaches, issued by the United States Department of Agriculture April 22, 1933, as reissued (12 F R. 3798), or modifications thereof, or variations based thereon.

(k) "Size" means the diameter of peaches as determined and set forth in the aforesaid U. S. Standards for Peaches, or modifications thereof, or variations based thereon.

(l) "Maturity" means that stage of growth in peaches defined and set forth in the requirements for maturity specified in the aforesaid U. S. Standards for Peaches or modifications thereof, or variations based thereon.

(m) "District" means, describes, and refers to each of the divisions of the production area hereby established as follows:

(1) "Ridge District," which shall include the Counties of Edgefield, Saluda, Aiken, Lexington, Barnwell, Orangeburg, Calhoun, Allendale, Bamberg, Hampton, Colleton, Dorchester, Berkeley, Jasper, Beaufort, and Charleston in South Carolina.

(2) "Sand Hills S. C. District," which shall include the Counties of Richland, Kershaw, Chesterfield, Marlboro, Sumter, Lee, Darlington, Clarendon, Florence, Dillon, Williamsburg, Marion, Georgetown, and Horry in South Carolina.

(3) "Sand Hills N. C. District," which shall include those counties in North

Carolina east of a line drawn along the western borders of Rockingham, Guilford, Randolph, Montgomery, and Anson Counties.

(4) "Piedmont S. C. District" which shall include the Counties of Oconee, Pickens, Anderson, Greenville, Abbeville, Laurens, Spartanburg, McCormick, Greenwood, Newberry, Union, Cherokee, Fairfield, Chester, York, and Lancaster in South Carolina.

(5) "Piedmont N. C. District" which shall include those counties in North Carolina west of a line drawn along the western borders of Rockingham, Guilford, Randolph, Montgomery and Anson Counties.

SEC. 2. *Administration*—(a) *Establishment of Growers' Administrative Committee.* A Growers' Administrative Committee (hereinafter called the "Committee") consisting of fourteen members is hereby established to administer the terms and provisions hereof. There shall be an alternate member for each member of the Committee, and all provisions hereof with respect to members of the Committee shall likewise apply to such alternate members unless otherwise stated.

(b) *Representation on Committee.* Members of the Committee shall be selected from among the respective growers on the following basis: Four members in the Piedmont S. C. District; two members in the Piedmont N. C. District; four members in the Sand Hills N. C. District; two members in the Sand Hills S. C. District; and two members in the Ridge District.

(c) *Selection of initial members.* The initial members of the Committee shall be selected by the Secretary as soon as reasonably possible after the effective date hereof. Each of the initial members shall serve for a term ending on February 28, 1949, or until his successor has been selected and has qualified.

(d) *Selection of succeeding members.* (1) Prior to December 31 of each year, the Committee shall make arrangements for a meeting of growers in each district for the purpose of electing nominees from among whom the Secretary may select members of the Committee. The Committee shall give adequate notice of each such meeting to growers eligible to participate at the respective meetings. In the event the Committee fails to arrange for such meetings by the date specified herein, the Secretary may make arrangements for the meetings, or he may select successor members of the Committee without recourse to nominations.

(2) At each election meeting held to nominate members of the Committee, the growers eligible to participate therein shall select a chairman and a secretary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary. At each such meeting, at least one nominee shall be elected for each member and at least one nominee shall be elected for each alternate member of the Committee to be selected to represent the respective district in accordance with section 2 (b) hereof. Each grower shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives for each position on the Committee for which such voter is eligible to participate in electing nominees at the meeting.

(3) The Committee may prescribe, with the approval of the Secretary, additional rules and regulations, not inconsistent with the provisions hereof, relative to the election of nominees for members of the Committee, including provision for such election by mail if, where, and whenever deemed advisable.

(4) The Secretary may select the members of the Committee and their respective alternates, subsequent to the initial members, from nominations made by growers, as aforesaid, or from among other growers.

(e) *Eligibility for membership.* Each person nominated or selected to serve as a member of the Committee shall be an individual grower of peaches in the respective district from which he was nominated or selected, or an officer, employee, or agent of a grower in such district.

(f) *Vacancies.* In the event nominations for membership on the Committee are not submitted to the Secretary, pursuant to the provisions of this section, by February 15 of the respective fiscal period, the Secretary may select such members without waiting for nominees to be so submitted. To fill any vacancy occasioned by the failure of any person, selected as a member of the Committee, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member, a successor for his unexpired term may be selected by the Secretary.

(g) *Qualification.* Each person selected as a member of the Committee shall promptly qualify by filing with the Secretary, within fifteen (15) days of notification thereof, a written acceptance of appointment.

(h) *Alternate members.* Each alternate member of the Committee shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual is to serve as alternate. The alternate for a member of the Committee shall, in the event of the respective member's absence, act in the place of said member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected and has qualified, act in the place of said member.

(i) *Term of office.* The term of office of succeeding members of the Committee shall be the fiscal period for which they have been selected and have qualified, and until their respective successors shall have been selected and have qualified.

(j) *Compensation.* Members of the Committee, and alternate members when acting for members or when designated by the Committee to attend, may receive compensation in an amount not in excess of five dollars ($5.00) per day for attendance at each meeting of the Committee, or at each consultation or conference with any other committee, or representative thereof, established under a marketing agreement and order program with respect to the handling of peaches, or while attending to such business as may be authorized by the Committee. In addition to said per diem, the members of the Committee, and alternates when acting for members, or when designated by the Committee to attend, may be reimbursed for all expenses necessarily incurred in attending such conference or consultation, or while attending to such Committee business.

(k) *Powers.* The Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* The Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any grower or handler;

(2) (i) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at all times be subject to examination by the Secretary (ii) to maintain books of account and to cause such books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary, or as the Secretary may request, and to file with the Secretary a copy of each such audit report; (iii) to prepare from time to time statements of the financial operations of the Committee and to make such statements, together with the minutes of the meetings of the Committee, available at the office of the Committee for inspection by any grower or handler; and (iv) to submit to the Secretary, prior to May 1 of each fiscal period, a budget of its expenses and a proposed rate of assessment for the then current fiscal period.

(3) To furnish the Secretary such available information as he may request;

(4) To consult with any other committee, established under any marketing agreement or order program pursuant to the act, with respect to the handling of peaches grown in any State or region outside of the area;

(5) To select a chairman of the Committee and such other officers and employees as it may deem advisable;

(6) To redefine the districts, or change the representation on the Committee from any district, all of which shall be subject to the provisions of paragraph (m) of this section and to the approval of the Secretary;

(7) To determine the marketing policy to be followed during the ensuing season and to submit a report of such policy to the Secretary, as required by section 4

(a) prior to making any recommendation for the regulation of shipments pursuant to sections 5 or 6;

(8) To give to the Distributors' Advisory Council and to the Secretary the same notice of meetings of the Committee as is given to the members thereof;

(9) To supervise the regulation of shipments pursuant hereto;

(10) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to peaches, and to engage in such research and service activities in connection with the handling of peaches as may be approved, from time to time, by the Secretary.

(m) *Procedure.* (1) The Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A quorum shall consist of nine members: *Provided,* That at least two shall be from the Piedmont, S. C. District, at least two shall be from the Sand Hills, N. C. District, and at least one each shall be from each of the other three districts. For any regulatory decision of the Committee to be valid, or to carry out the duties specified in subparagraph (6) of paragraph (l) of this section, not less than eight concurring votes shall be necessary: *Provided,* That the said number of concurring votes shall be distributed among the respective districts in the same minimum numbers as required herein for a quorum. The requirements with respect to a quorum of the Committee and the number of concurring votes to make a decision of the Committee valid may be changed by the Committee with the approval of the Secretary.

(2) The Committee may provide for the members thereof to vote by mail or in any other manner: *Provided,* That no member may vote other than in person at an assembled meeting of the Committee. Voting other than in person shall be confirmed promptly in writing by the respective members so voting.

(3) The Committee may adopt such rules, not inconsistent with the provisions hereof, relative to the method of conducting its business as it may deem advisable.

(n) *Distributors' Advisory Council.* (1) A Distributors' Advisory Council (hereinafter called the "Council") consisting of nine members, designated from among the handlers in accordance with the provisions hereof, is hereby established. The purpose of such Council is to act as an advisory body to the Committee. The duties of the Council shall consist of submitting recommendations to the Committee with respect to whatever regulations or quality standards may be deemed advisable, either initially, or when such regulations or standards have been proposed for consideration by the Committee or by the Secretary. Advisory Councilmen shall hold office for a one-year term corresponding to the fiscal period.

(2) Three members of the Council shall be the three handlers who, during the marketing season immediately preceding their term of office, separately shipped more peaches from the production area than were shipped separately by any other handler during the same period. Three of the remaining six members of the Council shall be composed of the three handlers (exclusive of the three handlers mentioned above) who separately shipped the largest volume of peaches from South Carolina, during the marketing season immediately preceding their term of office. The three remaining handlers on the Council shall be the three handlers (exclusive of the three handlers first mentioned in this paragraph) who separately shipped the largest volume of peaches from North Carolina during the marketing season immediately preceding their term of office. In the event a handler is eligible for designation as one of the six members of the Council last above referred to, on the basis of the volume of peaches shipped from either State, such handler shall be designated from the State from which he shipped the larger volume.

(3) Any handler, except one who is a member or alternate member of the Committee, shall be eligible for membership on the Council. In the event a handler other than an individual is eligible to serve as a member, such handler shall file with the Committee, at the time it qualifies, a designation of the individual who will represent it on the Council.

(4) Initial members of the Council shall be announced by the Committee as soon as reasonably possible after the effective date hereof. Within fifteen days of such date, each handler who desires to serve on the Council shall file an affidavit with the Committee stating the volume of peaches which he shipped from the respective States of the production area to points outside the production area in the season of 1947. A handler other than an individual shall file with such affidavit a designation of the individual who will represent it on the Council. The Committee shall then determine the eligibility of the respective affiants, in conformity with subparagraph (2) of this paragraph, and announce the Council members accordingly.

(5) Succeeding members of the Council shall be appointed as follows: (i) The handlers eligible for membership shall be determined by the Committee from its records, in conformity with subparagraph (2) of this paragraph, by December 31 of each year; (ii) notice of eligibility shall be sent by the Committee to the respective handlers by the same date; (iii) eligible handlers who wish to serve as members shall qualify by filing an acceptance with the Committee by January 15 of the following year, except that eligible incumbent members of the Council shall qualify automatically for the succeeding term unless notice to the contrary is filed with the Committee by the said date; and (iv) the Committee shall announce the members. In the event any eligible handler fails to qualify therefor by notifying the Committee of his acceptance as provided herein, or in the event of the death, resignation, or disqualification of any member of the Council, the Committee may determine and announce a successor for the entire, or the unexpired, term of such member, as the case may be, on the basis of the handler next eligible in conformity with subparagraph (2) of this paragraph.

(6) The members of the Council may receive per diem compensation and expenses on the same basis as Committee members (as provided in paragraph (j) of this section) for attendance at each meeting of the Council or Committee, or at each consultation or conference with any other committee, or representatives thereof, established under a marketing agreement and order program with respect to the handling of peaches, or while attending to Council or Committee business: *Provided,* That such meeting, consultation, conference, or business has been authorized by the Committee.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The Committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal period and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships peaches shall pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the Committee, as aforesaid; *Provided,* That no assessment shall be paid for any shipment of peaches which is exempted from the provisions hereof pursuant to section 9 herein. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers.

(2) The Secretary may, at any time during a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Committee. Any such increase in the rate of assessment shall be applicable to all assessable peaches shipped during the specified fiscal period. In order to provide funds to enable the Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler. The Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

(d) *Funds.* All funds received by the Committee pursuant to the provisions hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) The Secretary may, at any time, re-

quire the Committee and its members, including alternate members, to account for all receipts and disbursements; and (2) upon the death, resignation, removal, or expiration of the term of office, of any member or alternate member of the Committee, all books, records, funds, and other property in his possession or under his control, as such member or alternate member, which relate to the business of the Committee shall be delivered to his successor in office, or to the Committee, or to a designee of the Secretary, and such assignments and other instruments shall be executed as may be necessary to vest in such successor, committee, or designee full title to such books, records, funds, and property.

SEC. 4. *Marketing policy*—(a) *Report.* Before making any recommendation pursuant to section 5 or 6 for a particular marketing season, the Committee shall submit to the Secretary a report setting forth the advisable marketing policy for such season. Such marketing policy report shall set forth the regulation or regulations which may be recommended by the Committee during the season, the justification therefor, and the estimates and other factors enumerated in section 4 (b) In the event the Committee deems it advisable to alter such marketing policy, subsequent to submitting a report thereon to the Secretary, the Committee shall submit to the Secretary a report setting forth such revised marketing policy.

(b) *Factors to be considered.* In determining such marketing policy, or such revised marketing policy, the Committee, after due consideration, shall include in the report its determinations and estimates of the following factors and conditions: (1) The estimated total quantity of each variety of peaches available for shipment in each district during the season, including the estimated percentage of such quantity of each variety in each district which will be represented by each of the various grades and sizes; (2) the estimated date that peaches of each variety in each district will be mature and ready for shipment; (3) the estimated commercial crop of peaches produced in competing States and the expected time of shipments of peaches from such States; (4) the anticipated competition to peaches from other fruits and melons; (5) the estimated market prices and marketing conditions that are expected to prevail for peaches grown in the production area; (6) the estimated harvesting and marketing costs and charges that are expected to apply to peaches grown in the production area; (7) the level and trend in commodity prices and consumer purchasing power; and (8) other factors which the Committee deems pertinent to the regulation of the marketing of peaches.

(c) *Notice.* The Committee shall promptly notify handlers and growers regarding any marketing policy report in such manner as may be reasonably expected to bring the proposed regulations and other pertinent information in such report to the attention of all handlers and growers.

SEC. 5. *Minimum standards of maturity and quality*—(a) *Maturing standard.* There is hereby established a minimum standard of maturity consisting of the requirements for maturity as defined herein. No handler shall ship peaches of any variety which do not meet the requirements for maturity: *Provided,* That ten percent tolerance for immature peaches shall be allowed under this minimum standard of maturity when no grade regulation pursuant to section 6 is in effect.

(b) *Quality standards*—(1) *Recommendation.* Whenever the Committee deems it advisable to establish and maintain minimum standards of quality governing the shipment of any or all varieties of peaches pursuant to this section, it shall recommend to the Secretary, in terms of grade or size, or in terms of both, the particular minimum standards below which shipments are to be prohibited. At the time of submitting any such recommendation, the Committee shall also submit to the Secretary the supporting data and information upon which it acted. The Committee shall also submit in support of its recommendations such other data and information as may be requested by the Secretary, and shall promptly give adequate notice to handlers and growers of any such recommendation.

(2) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Committee, or from other sources, that to prohibit the shipment of peaches of any or of all varieties below certain specified minimum standards of quality would be in the public interest and would tend to effectuate the declared policy of the act, he shall so prohibit the shipment of such peaches. The Secretary shall immediately notify the Committee of the issuance of such regulation, and the Committee shall promptly give adequate notice thereof to handlers and growers.

(c) *Modification, suspension, or termination.* The Committee may recommend to the Secretary the modification, suspension, or termination of any or all of the minimum standards established or provided for herein. If the Secretary finds, upon the basis of such recommendation or from other sources, that to modify, suspend, or terminate these minimum standards will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate the standards. The Secretary shall immediately notify the Committee, and the Committee shall promptly give adequate notice to handlers and growers, of the issuance of an order modifying, suspending, or terminating any such minimum standards. In like manner and upon the same basis, the Secretary may terminate any such modification or suspension.

SEC. 6. *Grade and size regulations*—(a) *Recommendation.* Whenever the Committee deems it advisable to limit the shipment of any or all varieties of peaches pursuant to this section, it shall recommend to the Secretary the particular grades or sizes, or both, deemed advisable by it to be shipped during a specified period. At the time of submitting any such recommendation, the Committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation, and shall give consideration, among other things, to the factors enumerated in section 4 (b) required to be submitted in connection with the marketing policy report. The Committee shall submit in support of its recommendations such other data and information as may be requested by the Secretary, and shall promptly give adequate notice to handlers and growers of any such recommendation.

(b) *Establishment of regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Committee, or from other available information, that to limit the shipment of any or all varieties of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit, during the specified period, the shipment of such variety or varieties of peaches. The Secretary shall immediately notify the Committee of the issuance of each such regulation, and the said Committee shall promptly give adequate notice thereof to handlers and growers.

(c) *Exemption certificates.* (1) In the event the Secretary issues a regulation or establishes quality standards, pursuant to section 5 or 6, respectively, the Committee shall determine the percentage which the grades or sizes, or both, of each variety of peaches permitted to be shipped from each district, by such regulation issued by the Secretary, is of the total quantity of each variety of peaches which could be shipped from the respective district in the absence of such regulation. An exemption certificate may thereafter be issued to any grower who furnishes proof, satisfactory to the Committee, that by reason of conditions beyond his control, he will be prevented, because of the regulation established, from shipping a percentage of a particular variety of his peaches equal to the percentage of all peaches of that particular variety permitted to be shipped from the respective district, as determined by the Committee. Such certificate shall permit the aforesaid grower to ship a quantity of the particular variety of his peaches equal to the average percentage of that variety permitted to be shipped from the respective district, pursuant to existing regulations, as previously determined by the Committee. No exemption certificate shall be granted to include peaches which do not meet the requirements of the maturity standard established under section 3. The Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and the Committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of peaches thus to be exempted, and a record of all shipments of exempted peaches. Such additional information shall be recorded in the records of the Committee as the Secretary may specify. The Committee shall from time to time submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such addi-

tional information as may be requested by the Secretary.

(2) In the event the Committee shall determine and report to the Secretary that by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible and would not be equitable to issue exemption certificates to growers within that district, or those districts, on the basis set forth in subparagraph (1) of this paragraph, the Committee may by resolution duly adopted, specify that an exemption certificate shall be issued to any grower who submits proof satisfactory to the Committee to the effect that the respective grower will be prevented, because of the regulation established, from shipping as large a percentage of his peaches of such variety as the average of all growers of such variety of peaches in the number or group of districts specified or enumerated in the resolution thus adopted by the Committee.

(3) In the event a grower's peaches are damaged by hail, he may immediately apply to the Committee, by telephone or otherwise, for an exemption, which shall be issued forthwith, and the applicant shall immediately be informed of the proportion of his crop which he may ship, corresponding to the average percentage being shipped in that district as a whole, as predetermined by the Committee in conformity with the provisions of this section: *Provided,* That representations made by the grower requesting exemption on account of hail damage are corroborated, at that time, to the satisfaction of the Committee by a person acceptable to it, and thereafter confirmed in writing by the grower and the person who verified his representations.

(4) If any grower is dissatisfied with the determination of the Committee, with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided,* That such appeal shall be taken promptly after the determination by the Committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the Committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

SEC. 7. *Inspection and certification.* During any period in which the shipment of peaches is regulated pursuant to the provisions hereof, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by a representative of the Federal-State inspection service. Each handler shall, promptly after making each shipment of peaches, submit to the Committee a copy of the certificate issued thereon.

SEC. 8. *Compliance.* Except as provided herein, no handler shall ship peaches, the shipment of which has been prohibited in accordance herewith; and no handler shall ship peaches except in conformity to the provisions hereof.

SEC. 9. *Shipments which are exempt.* Peaches shipped for consumption by a charitable institution, or for distribution for relief purposes, or for distribution by a relief agency, or for manufacturing, processing, canning, or conversion into byproducts on a commercial scale, shall be exempt from the provisions hereof. The Committee may, with the approval of the Secretary, exempt shipments up to and including 1,000 pounds net weight of peaches from the provisions hereof. The Committee may prescribe adequate safeguards to prevent peaches, exempted by the provisions of this section, from entering the commercial channels of trade contrary to, or in violation of, the provisions hereof.

SEC. 10. *Reports.* For the purpose of enabling the Committee to perform its functions and duties pursuant to the provisions hereof, each handler shall furnish to the Committee such information, in such form and at such times and substantiated in such manner as shall be prescribed by the Committee and approved by the Secretary, as may thus be requested by the Committee with regard to each shipment of peaches.

SEC. 11. *Right of the Secretary.* The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, determination, decision, or other act, and upon such disapproval such action by the Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 12. *Effective time and termination.*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any of the provisions hereof whenever he finds that any such provision does not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the growers who, during the preceding fiscal period, have been engaged in the production of peaches for market: *Provided,* That such majority has, during such fiscal period, produced for market more than fifty (50) percent of the volume of such peaches produced for market within the area; but such termination shall be effective only if announced on or before the last day of February of the then current fiscal period.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon termination of the provisions hereof, the then functioning members of the Committee shall continue as trustees of all of the funds and property (including claims for any funds unpaid or property not delivered at the time of such termination) then in the possession, or under the control, of such Committee; and for the purpose of liquidating the affairs of the Committee.

(2) The said trustees shall continue in such capacity until discharged by the Secretary and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the Committee and upon the said trustees.

(4) Any funds collected for expenses pursuant to the provisions hereof and held by such trustees or such other person, over and above accounts necessary to meet outstanding obligations and the expenses incurred necessarily by the trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant hereto.

SEC. 13. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 14. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

SEC. 15. *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 16. *Personal liability.* No member or alternate member of the Committee, nor any employee or agent thereof, shall

be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 17. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

SEC. 18. *Amendments.* Amendments hereto may be proposed, from time to time, by the Committee or by the Secretary.

SEC. 19. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provisions hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any violation.

SEC. 20. *Counterparts.*[1] This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

SEC. 21. *Additional parties.*[1] After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

SEC. 22. *Order with marketing agreement.*[1] Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of peaches in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

Filed at Washington, D. C., this 15th day of April 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 48-3477; Filed, Apr. 19, 1948; 8:50 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR, Part 944]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was conducted at Rock Island, Illinois, on November 20–21, 1947, after the issuance of notice on November 12, 1947 (12 F. R. 7633).

Certain of the material issues on the record were of an emergency nature and required immediate action. A decision with respect to these issues was filed on December 19, 1947 (12 F. R. 8777) and the order, as amended, was further amended in these respects, effective January 1, 1948 (12 F. R. 8605).

The material issues on the record remaining for decision relate to (1) a redefinition of certain terms, (2) a restatement of the powers and duties of the market administrator, (3) a revision of the classes of utilization, (4) a change in the method of accounting for milk, (5) a revision of the class prices and the incorporation of class butterfat differentials to handlers, (6) an increase in the amount of the deduction for marketing services, and (7) a general revision of the order to facilitate its administration and clarify its terminology.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator on March 2, 1948, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision with respect to the issues enumerated above. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 5, 1948 (13 F. R. 1192).

Ruling on exceptions. Exceptions were filed by the Quad City Association of Milk Dealers and the Sturtevant Dairy Company to a portion of the findings, conclusions, and recommendations of the recommended decision with respect to issues (3) and (5), and by the Illinois-Iowa Milk Producers Association, Inc., and the Quality Milk Association to a portion of the findings, conclusions, and recommendations with respect to issue (5)

Each of these exceptions was carefully considered in conjunction with the record evidence pertaining thereto. The findings, conclusions, and recommendations of the recommended decision relating to issues (3) and (5) have been adopted without substantive change and the exceptions thereto are overruled.

No exceptions were filed to the findings, conclusions, and recommendations of the recommended decision with respect to issues (1), (2), (4), (6), and (7) The findings, conclusions, and recommendations of the recommended decision with respect to these issues have been adopted without substantive change.

Findings and conclusions—Findings and conclusions on the record. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48–1986; 13 F. R. 1192) with respect to the issues (1) to (7), inclusive, are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. These findings and conclusions are supplemented by the following general findings.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which the hearing has been held, and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, "Marketing agreement regulating the handling of milk in the Quad Cities marketing area" and "Order, amending the order as amended, regulating the handling of milk in the Quad Cities marketing area,"[1] which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with the decision.

This decision filed at Washington, D. C., this 14th day of April 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[1] For the purpose of clarity, this order is worded differently, in several minor respects, from the order contained in the aforesaid recommended decision.

Order[1] *Amending the Order as Amended, Regulating the Handling of Milk in the Quad Cities Marketing Area*

§ 944.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F R. 1159, 4904) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 944.1 *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Quad Cities marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

(d) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines: (1) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) has full authority in the sale of milk of its members; and (3) is engaged in making collective sales of or marketing milk or its products for its members.

(h) "Producer" means any person irrespective of whether such person is also a handler, who produces milk which (1) is received at a plant from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (2) is caused by a cooperative association to be diverted from a plant described in subparagraph (1) of this paragraph to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall not include a person who produces milk which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this order pursuant to § 944.6 (b)

(i) "Handler" means (1) any person with respect to all milk received at a plant operated by him, from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (2) a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant described in subparagraph (1) of this paragraph, or which it causes to be diverted from such a plant to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*: That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

(l) "Grade A milk" means producer milk which is produced in conformity with the Grade A quality requirements of the milk ordinance of any of the several municipalities in the marketing area or the Grade A Milk and Grade A Milk Products Law of the State of Illinois.

(m) "Emergency milk" means milk which is permitted by the health authorities of any of the several municipalities in the marketing area to be labeled "Grade A" and which is received by a handler from sources other than producers or other handlers during any delivery period in which the market administrator determines that the supply of Grade A milk available to such handler is insufficient to fulfill his Class I and Class II requirements for Grade A milk.

(n) "Other source milk" means all skim milk and butterfat except that contained in producer milk, in emergency milk, and in non-fluid milk products disposed of in the form in which received without further processing or packaging.

§ 944.2 *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Make rules and regulations to effectuate the terms and provisions hereof;

(3) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to the following:

(1) Within 30 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

enable him to administer the terms and provisions hereof;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 944.11, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 944.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such person as the Secretary may designate;

(6) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(7) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (i) reports pursuant to § 944.3 or (ii) payments pursuant to §§ 944.8, 944.9, 944.10 and 944.11;

(8) On or before the 10th day after the end of each delivery period, report to each cooperative association the amount and the classification of milk caused to be delivered by such cooperative association to any handler, if such amount or classification reported by the handler differs from that reported by the cooperative association;

(9) Audit each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day of each delivery period, (*a*) the minimum prices for Class I milk and Class II milk computed pursuant to § 944.5 (a) (1) and (2) for the current delivery period and the butterfat differentials computed pursuant to § 944.5 (b) (1) and (2) for the current delivery period, and (*b*) the minimum prices for Class III milk and Class IV milk computed pursuant to § 944.5 (a) (3) and (4) for the previous delivery period, and the butterfat differentials computed pursuant to § 944.5 (b) (3) and (4) for the previous delivery period, and

(ii) On or before the 10th day of each delivery period the uniform prices computed pursuant to § 944.7 (b), and the butterfat differential computed pursuant to § 944.8 (b) for the pervious delivery period; and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 944.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipt and utilization.* On or before the 5th day of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator;

(1) The quantities of skim milk and butterfat contained in (or used in the production of) all receipts within the previous delivery period of (i) producer milk, (ii) emergency milk, (iii) skim milk and butterfat in any form from other handlers, and (iv) other source milk, and the sources thereof;

(2) The utilization of all receipts required to be reported pursuant to subparagraph (1) of this paragraph; and

(3) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to: (1) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including non-fluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk, milk, cream, and milk products handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all skim milk, milk, cream, and milk products on hand at the beginning and at the end of each delivery period.

§ 944.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat received during the delivery period by a handler from producers or from other handlers, or as emergency milk or other source milk shall be classified by the market administrator pursuant to the following provisions of this section:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) *"Class I milk"* shall be all skim milk and butterfat disposed of in fluid form for consumption as skim milk or milk and all skim milk and butterfat not specifically accounted for under subparagraphs (2), (3) and (4) of this paragraph.

(2) *"Class II milk"* shall be all skim milk and butterfat disposed of in fluid form for consumption as cream (including any cream product in fluid form containing 6 percent or more of butterfat) flavored milk, flavored milk drinks and buttermilk.

(3) *"Class III milk"* shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream and ice cream mix, cottage cheese, unsalted butter, or any milk or cream product other than those specified in Class II milk or Class IV milk.

(4) "Class IV milk" shall be all skim disposed of as animal feed and all skim milk and butterfat: (i) used to produce salted butter, casein and American type Cheddar cheese; (ii) in shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk; and (iii) in shrinkage of other source milk.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute the total shrinkage of skim milk and butterfat for each handler.

(2) Prorate the resulting amounts between the receipts (except those from other handlers who are not cooperative associations) of skim milk and butterfat (i) from producers and cooperative associations and emergency milk and (ii) from other sources.

(3) In the case of a handler who received both Grade A milk and non Grade A producer milk, the amount of shrinkage determined pursuant to subparagraph (2) (i) of this paragraph shall be further prorated between (i) Grade A milk and emergency milk and (ii) non Grade A producer milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat received by a handler shall be Class I milk, unless the handler who first receives such skim milk or butterfat can prove to the market administrator that it should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer or diversion occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided,* That if either or both handlers have received other source milk such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(2) As Class I milk if transferred to a producer-handler in the form of milk or skim milk and as Class II milk if transferred in the form of cream.

(3) As Class I milk if transferred or diverted in the form of milk or skim milk, and as Class II milk if transferred in the form of cream to a non-handler's plant unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and non-handler on or before the 5th day after the end of the delivery period

within which such transfer or diversion occurred, (ii) such non-handler maintains books and records showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification, and (iii) such non-handler's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such non-handler's records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher price classification in which such non-handler had utilization.

(f) *Receipts from a cooperative association.* Skim milk and butterfat caused to be delivered from a producer to any other handler by a cooperative association shall be ratably apportioned over the receiving handler's total utilization of milk remaining after the subtraction of other source milk and receipts from other handlers which are not cooperative associations. If both Grade A and non Grade A producer milk have been caused to be so delivered they shall be apportioned separately over the uses of each type of milk.

(g) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

(h) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to paragraph (g) of this section, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class IV the pounds of skim milk determined pursuant to paragraph (b) (4) (ii) of this section.

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk.

(iii) Allocate the remaining pounds of skim milk contained in Grade A milk received from producers, cooperative associations, and other handlers and emergency milk to the highest priced classes in which the handler has use, and allocate the remaining pounds of skim milk contained in non Grade A milk received from producers, cooperative associations, and other handlers to the lowest priced classes remaining in which the handler has use.

(iv) If the amounts of skim milk allocated pursuant to subdivision (iii) of this subparagraph are less than the total amount of skim milk remaining after making the subtraction pursuant to subdivision (ii) of this subparagraph, the remaining pounds of skim milk shall be ratably apportioned between the skim milk allocated to Grade A milk and emergency milk and that allocated to non Grade A milk.

(v) Subtract from the amounts obtained by adding together the results obtained in subdivisions (iii) and (iv) of this subparagraph, the pounds of skim milk contained in Grade A and non Grade A milk, respectively, received from other handlers which are not cooperative associations in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(vi) Add to the remaining pounds of skim milk in Class IV the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph.

(vii) Subtract pro rata from the remaining pounds of Grade A and emergency skim milk in each class the pounds of skim milk contained in emergency milk received by the handler.

(viii) Subtract pro rata from the remaining pounds of Grade A and non Grade A skim milk in each class the pounds of Grade A and non Grade A skim milk respectively, caused to be delivered to such handler by a cooperative association.

(ix) If any skim milk has been added pursuant to subdivision (iv) of this subparagraph to either the Grade A or the non Grade A skim milk, the amount so added shall be subtracted from such skim milk in series beginning with the lowest priced classification to which Grade A or non Grade A skim milk has been allocated. The amount subtracted pursuant to this subdivision shall be called "overrun."

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

§ 944.5 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (b) and (c) of this section, the minimum prices per hundredweight to be paid by each handler for milk received at his plant during the delivery period shall be as follows:

(1) *Class I milk.* The price for Class III milk for the previous delivery period plus the following premiums during the delivery periods indicated:

Delivery period	Grade A milk	Non grade A milk
January, February, March	$0.90	$0.55
April, May, June	.70	.35
July through December	1.15	.80

(2) *Class II milk.* The price for Class III milk for the previous delivery period plus the following premiums during the delivery periods indicated:

Delivery period	Grade A milk	Non grade A milk
January, February, March	$0.75	$0.40
April, May, June	.55	.20
July through December	1.00	.65

(3) *Class III milk.* The highest of the prices resulting from the computations made pursuant to subparagraph (4) of this paragraph or to subdivision (i) or (ii) of this subparagraph.

(i) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Morrison, Ill.
Dean Milk Co., Pearl City, Ill.
United Milk Products, Co., Argo Fay, Ill.

(ii) The price resulting from the following computations:

(*a*) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(*b*) Add an amount equal to 2.4 times the average daily wholesale price per pound of the cheese known as "Twins" in the Chicago market as reported by the Department of Agriculture during the delivery period;

(*c*) Divide the resulting sum by 7;

(*d*) Add 30 percent therof; and

(*e*) Multiply the resulting sum by 3.5.

(4) *Class IV milk.* The price resulting from the following computation: multiply by 3.5 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period; add 20 percent thereof; and add any plus amount resulting from the following calculation: subtract 14 cents from the average price per pound of casein and multiply such amount by 2.3. The price per pound of casein to be used shall be the average of the prices for unground casein, f. o. b. manufacturing plants in the Chicago area, as reported by the Department of Agriculture during the delivery period.

(b) *Butterfat differentials to handlers.* If the average butterfat content of the milk allocated to any class by any handler pursuant to § 944.4 (h) is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to paragraph (a) of this section for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(1) *Class I milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period preceding that in which the milk was received, by 1.40 in the case of Grade A milk, and by 1.35 in the case of non Grade A milk, and divide the resulting amounts by 10.

(2) *Class II milk.* Multiply the average daily wholesale price per pound of

92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period preceding that in which the milk was received, by 1.40 in the case of Grade A milk, and by 1.35 in the case of non Grade A milk, and divide the resulting amounts by 10.

(3) *Class III milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period in which the milk was received by 1.20 and divide the resulting amount by 10.

(4) *Class IV milk.* Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period in which the milk was received by 1.20 and divide the resulting amount by 10.

(c) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made by any Federal agency in connection with the milk, or product, associated with the prices specified.

(2) If the specified price which the market administrator is required to use for the purpose of determining class prices or for any other purpose is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 944.6 *Application of provisions*—(a) *Producer-handlers.* Sections 944.4, 944.5, 944.7, 944.8, 944.9, 944.10, and 944.11 shall not apply to a producer-handler.

(b) *Handlers subject to other federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with the provisions of § 944.3 (c)

(2) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which would be classified as Class I milk or Class II milk under this order, is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk or Class II milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 944.7 *Determination of uniform prices*—(a) *Computation of the values of milk received from producers.* The values of the Grade A milk and the non Grade A milk received from producers during each delivery period by each handler shall be sums of money computed separately by the market administrator by multiplying the pounds of milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That, if the handler had overrun of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overrun by the applicable class prices.

(b) *Computation of prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight for Grade A and non Grade A milk received from producers as follows:

(1) Combine into separate totals the values of Grade A milk and non Grade A milk computed pursuant to paragraph (a) of this section for all handlers who made the reports pursuant to § 944.5 (a) and who made the payments pursuant to § 944.8.

(2) Add to the amounts computed in subparagraph (1) of this paragraph not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to § 944.9.

(3) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 944.8 (b) and multiply the results by the total hundredweight of Grade A and non Grade A milk respectively, represented by the values included in subparagraph (1) of this paragraph.

(4) Divide the resulting amounts by the total hundredweight of Grade A and non Grade A milk, respectively represented by the values included in subparagraph (1) of this paragraph.

(5) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to subparagraph (4) of this paragraph. The resulting figures shall be the uniform prices for Grade A milk and non Grade A milk, respectively, received from producers.

§ 944.8 *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk which was not caused to be delivered to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 944.7 (b) for Grade A milk or non Grade A milk, whichever is applicable.

(2) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, at not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 944.4 (h) (1) and (2) by the applicable prices provided in § 944.5.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by adding 20 percent to the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, and dividing the resulting sum of 10.

(c) *Producer-settlement funds.* The market administrator shall establish and maintain separate funds known as "producer-settlement funds" for Grade A and non Grade A milk, respectively, into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section, §§ 944.6 (b) and 944.9, and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section and § 944.9.

(d) *Payments to the producer-settlement fund.* On or before the 13th day after the end of the delivery period during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 944.7 (a) is greater than the amount required to be paid producers by such handler pursuant to paragraphs (a) (1) and (b) of this section.

(e) *Payments out of the producer-settlement funds.* On or before the 15th day after the end of the delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the delivery period, as determined pursuant to § 944.7 (a) is less than the amount required to be paid producers by such handler pursuant to paragraphs (a) (1) and (b) of this section: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of paragraph (a) (1) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 944.9 *Adjustment of accounts*—(a) *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in

moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 944.10 *Marketing services*—(a) *Marketing service deduction.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 944.8 (a) (1) shall make a deduction of 6 cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such cooperative association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period during which the milk was received. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of, or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments made pursuant to § 944.8 (a) (1) the amount per hundredweight authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the delivery period during which such milk was received.

§ 944.11 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period during which the milk was received, 3 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts within the delivery period from producers (including such handler's own production and receipts from cooperative associations) *Provided,* That a handler which is a cooperative association shall pay such pro rata share of expense on only that milk of producers received by such cooperative association or caused by such cooperative association to be delivered to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

§ 944.12 *Effective time, suspension or termination, continuing obligations, liquidation*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall, whenever he finds this order, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision hereof.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 944.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 944.14 *Separability of provisions.* If any provision hereof or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 48-3439; Filed, Apr. 19, 1948; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 685]

MINIMUM WAGE RATE IN FOUNDRY, MACHINE SHOP, AND FABRICATED METAL PRODUCTS INDUSTRY IN PUERTO RICO

RECOMMENDATION OF SPECIAL INDUSTRY COMMITTEE NO. 5; NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., 1001) and the rules of practice governing this proceeding (12 F. R. 7890, 7891), notice is hereby given of the decision of the Administrator of the Wage and Hour Division, United States Department of Labor, with respect to the recommendation of Special Industry Committee No. 5 for Puerto Rico for a minimum wage rate in the Foundry, Machine Shop, and Fabricated Metal Products Industry in Puerto Rico, and of the wage order which he proposes to issue pursuant thereto. The decision[1] and proposed wage order are set forth below. Interested parties may submit written exceptions thereto to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be submitted in quadruplicate, and should include supporting reasons for any exceptions presented.

Whereas, on June 16, 1947, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 367, appointed Special Industry Committee No. 5 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the sugar manufacturing industry in Puerto Rico, as defined in Administrative Order No. 367, and thereafter, to investigate conditions and to recommend to me minimum wage rates for other industries enumerated and defined in the order, as amended by Administrative Order No. 369, including the foundry, machine shop, and fabricated metal products industry in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending a minimum wage rate for employees in the foundry, machine shop, and fabricated metal products industry in Puerto Rico, including three disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, the Committee, after investigating economic and competitive conditions in the foundry, machine shop, and fabricated metal products industry in Puerto Rico, filed with me a report containing its recommendation for a minimum wage rate of 40 cents per hour to be paid employees in the industry who are engaged in commerce or in the production of goods for commerce; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on January 8, 1948, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Presiding Officer Clifford P Grant in

[1] Filed as part of the original document. Copies are available on request at the Wage and Hour Division, Department of Labor, Washington, D. C.

Washington, D. C., on January 27, 1948, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the foundry, machine shop, and fabricated metal products industry in Puerto Rico, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 5 for a Minimum Wage Rate in the Foundry, Machine Shop, and Fabricated Metal Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., Now, therefore, it is ordered, that:

§ 685.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 685.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the foundry, machine shop, and fabricated metal products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 685.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the foundry, machine shop, and fabricated metal products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 685.4 *Definition of the foundry, machine shop, and fabricated metal products industry in Puerto Rico.* The foundry, machine shop, and fabricated metal products industry in Puerto Rico, to which this order shall apply, is hereby defined as follows:

The manufacture (including repair) of any product or part made wholly or chiefly of metal, and the assembling of such product or part (wherever done) with other products or parts made from any materials other than metal to form any product the chief component of which is metal; *Provided, however* That there shall be excluded from this industry any product covered by the wage order for the button, bead, and costume novelty jewelry division or the rosary and bead stringing division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, or any product or operation covered by the wage order for the construction, business service, motion pictures, and miscellaneous industries in Puerto Rico.

Effective date. This wage order shall become effective June 14, 1948.

Signed at Washington, D. C., this 12th day of April 1948.

(Secs. 5 (e) 8, 52 Stat. 1062, 1064 as amended; 29 U. S. C. 205 (e), 208)

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 48-3438; Filed, Apr. 19, 1948; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-22]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489) and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875) as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority.

BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.007/64/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by Camel Manufacturing Company, 329 South Central Street, Knoxville, Tenn.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

DAVITS, LIFEBOAT

Approval No. 160.032/100/0, gravity davit, Type 7-75, approved for maximum working load of 15,000 pounds per set (7,500 pounds per arm) using 2 part falls, identified by general arrangement Dwg. No. 3138-1 dated 31 January 1947 and revised 15 March 1947, submitted by the Welin Davit and Boat Division of the American Steel and Copper Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-4, 59.3, 60.21, 76.15, 94.14, 113.23)

MECHANICAL DISENGAGING APPARATUS (FOR LIFEBOATS)

Approval No. 160.033/31/0, Rottmer Type A-2 releasing gear, aproved for maximum working load of 37,540 pounds per set (18,770 pounds per hook), identified by hoist gear assembly Dwg. No. M-55-1, dated 29 July 1946 and revised 10 March 1948, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-7, 59.68, 76.62, 94.59)

LIFEBOATS

Approval No. 160.035/185/0, 26' x 8.3' x 3.6' steel oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement Dwg. No. 3188 dated 1 November 1947 and revised 8 March 1948, submitted by the Welin Davit and Boat Division of the American Steel and Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/199/0, 26' x 9' x 3.83' steel hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3183 dated 15 October 1947 and revised 8 March 1948, submitted by the Welin Davit and Boat Division of the American Steel and Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/200/0, 26' x 9' x 3.83' steel motor-propelled lifeboat with radio cabin, 43-person capacity, identified by construction and arrangement Dwg. No. 3186 dated 21 October 1947 and revised 8 March 1948, submitted by the Welin Davit and Boat Division of the American Steel and Copper Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 423, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10)

LIFE PRESERVERS, CORK AND BALSA WOOD (JACKET TYPE)

Approval No. A-344, standard adult cork life preserver, manufactured by Elvin Salow Co., 379-381 Atlantic Avenue, Boston 10, Mass.

Approval No. A-345, standard child cork life preserver, manufactured by Elvin Salow Co., 379-381 Atlantic Avenue, Boston 10, Mass.

Approval No. A-346, standard adult balsa wood life preserver, manufactured by Elvin Salow Co., 379-381 Atlantic Avenue, Boston 10, Mass.

Approval No. A-347, standard child balsa wood life preserver, manufactured

by Elvin Salow Co., 379–381 Atlantic Avenue, Boston 10, Mass.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 28.4–1, 33.6–1, 59.55, 60.48, 76.52, 94.52, 113.44)

Dated April 13, 1948.

[SEAL] J. F FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-3448; Filed, Apr. 19, 1948; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1661726]

NEVADA

MODIFYING GRAZING DISTRICT NO. 4

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, the following-described lands are hereby added to Nevada Grazing District No. 4:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 56 E., unsurveyed,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
Ts. 1 and 2 N., R. 57 E., partly unsurveyed.
T. 3 N., R. 57 E.,
Sec. 1;
Secs. 12 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 1 S., R. 57 E., partly unsurveyed.
T. 2 S., R. 57 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 16, inclusive;
Secs. 22 to 25, inclusive.

The area described, including both public and nonpublic lands, aggregates approximately 95,740 acres.

The Federal Range Code for Grazing Districts (Part 161 of Title 43) as amended, shall be effective as to the lands embraced herein from and after the date of publication of this order in the FEDERAL REGISTER, except that the lands embraced herein shall not be subject to § 161.8, paragraphs (b) (c) (d) (e) until one year from the date of such publication.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 12, 1948.

[F. R. Doc. 48-3434; Filed, Apr. 19, 1948; 8:47 a. m.]

[Misc. 1661727]

NEVADA

MODIFYING GRAZING DISTRICT NO. 5

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, the following-described lands are hereby added to Nevada Grazing District No. 5:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 54 E., partly unsurveyed,
Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 2 N., R. 54 E., partly unsurveyed,
Secs. 13 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 1 N., Rs. 55 and 56 E.
T. 1 N., R. 64 E.,
Secs. 13 and 14, 23 to 26, inclusive, 35 and 36.
T. 1 N., R. 65 E.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 66 E.,
Secs. 17 to 20, and 29 to 32, inclusive.
T. 1 S., R. 54 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 2 S., R. 54 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 3 S., R. 54 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 4 S., R. 54 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
Ts. 1 to 4 S., R. 55 E.
T. 5 S., R. 55 E., unsurveyed,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
T. 6 S., R. 55 E., unsurveyed,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
T. 7 S., R. 55 E., unsurveyed,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
Ts. 1 to 7 S., R. 56 E., partly unsurveyed.
T. 2 S., R. 57 E.,
Secs. 6, 7, 17 to 21, and 26 to 36, inclusive.
Ts. 3 to 7 S., R. 57 E., partly unsurveyed.
Ts. 5 to 7 S., Rs. 58 and 59 E., unsurveyed.
Ts. 5 to 12 S., Rs. 60 and 61 E., partly unsurveyed.
T. 2 S., R. 62 E., unsurveyed,
Secs. 1 to 3, 10 to 15, and 19 to 36, inclusive.
Ts. 3 to 12 S., R. 62 E., partly unsurveyed.
T. 1 S., R. 63 E., unsurveyed,
Secs. 19 to 36, inclusive.
Ts. 2 to 12 S., R. 63 E., partly unsurveyed.
T. 1 S., R. 64 E.,
Secs 1, 12, 13, and 19 to 36, inclusive.
Ts. 2 to 12 S., R. 64 E., partly unsurveyed.
Ts. 1 to 7 S., R. 65 E., partly unsurveyed.
T. 1 S., R. 66 E., unsurveyed,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
T. 2 S., R. 66 E., unsurveyed,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.

The area described, including both public and non-public lands, aggregates approximately 2,040,320 acres.

The Federal Range Code for Grazing Districts (Part 161 of Title 43), as amended, shall be effective as to the lands embraced herein from and after the date of publication of this order in the FEDERAL REGISTER, except that the lands embraced herein shall not be subject to § 161.8, paragraphs (b) (c) (d) (e) until one year from the date of such publication.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 12, 1948.

[F. R. Doc. 48-3435; Filed, Apr. 19, 1948; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Chicago and Southern Air Lines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for establishment of a temporary rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its Houston-Caracas route via New Orleans and Havana.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on April 21, 1948, at 10:00 a. m. (eastern standard time) Wing "C" Room 131, Temporary Building No. 5, South of Constitution Avenue between 16th and 17th Streets NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Dated at Washington, D. C., April 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-3478; Filed; Apr. 19, 1948; 8:50 a. m.]

[Docket Nos. 2849, 3014, 3021, 3211, 3309]

AMERICAN AIRLINES, INC., ET AL.

NOTICE OF HEARING

In re American Airlines, Inc., Docket No. 3309; Eastern Air Lines, Inc., Docket No. 3021, Northwest Airlines, Inc., Docket No. 3211, Transcontinental & Western Air, Inc., Docket No. 2849; United Air Lines, Inc., Docket No. 3014.

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over the routes of the above named carriers within the continental United States and between the United States and terminal points in Canada and the Orders to Show Cause, published by the Board in Orders Serial Numbers E–1356, 1357, 1358, 1359 and 1360.

Notice is hereby given that hearings in the above matters are assigned to be held on April 20, 1948, at 10:00 a. m. (eastern standard time) in Room 131, Wing C, Temporary Building No. 5, 16th Street and Constitution Avenue, N. W., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., April 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-3479; Filed, Apr. 19, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1991]

VILLAGE OF BONNERS FERRY, IDAHO

NOTICE OF APPLICATION FOR LICENSE

APRIL 15, 1948.

Public notice is hereby given that the Village of Bonners Ferry, Idaho, has filed application for license for proposed Project No. 1991 on the Moyie River, in Boundary County, Idaho, consisting of a concrete gravity dam which would be about 300 feet long and about 90 feet high; a tunnel and penstock which would connect with an existing penstock; a constructed powerhouse which would contain an additional turbine and generator and a new high-head turbine to be connected to the present generator, making a total installation of about 3,000 horsepower; an existing transmission line from the powerhouse to the Village of Bonners Ferry, a distance of about 9 miles; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted before May 21, 1948 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3444; Filed, Apr. 19, 1948; 8:48 a. m.]

[Docket Nos. G-585, G-796]

ALABAMA-TENNESSEE NATURAL GAS CO. AND SOUTHERN NATURAL GAS CO.

ORDER REOPENING PROCEEDINGS FOR TAKING OF ADDITIONAL EVIDENCE, CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING, AND FIXING DATE OF HEARING

APRIL 13, 1948.

These matters having been submitted, the Commission having considered (1) the Presiding Examiner's Decision at Docket No. G-796 dated September 12, 1947, the Statements of Exceptions filed thereto, the application at Docket No. G-796, the amendments thereto, and the record thereon with respect to the matters involved and the issues presented; (2) a letter dated April 9, 1948, from Southern Natural Gas Company, indicating that changes in circumstances have rendered uncertain the date when it might be able to proceed with the project if authorized; and (3) the application at Docket No. G-585, the amendments thereto and the record thereon with respect to the matters involved and the issues presented, finds that:

(1) By orders issued January 8 and February 20, 1948, the Commission has disposed of all phases of the amended application at Docket No. G-796 excepting the request for a certificate of public convenience and necessity for the construction and operation of natural-gas transmission facilities for serving new market areas in Northern Alabama, including the communities of Athens, Decatur, Huntsville, Hartselle, Florence, Sheffield and Tuscumbia, and the Tennessee Valley Authority.

(2) Said application at Docket No. G-796, insofar as it relates to the Northern Alabama markets, and the application at Docket No. G-585 are mutually exclusive.

(3) It is appropriate in the public interest that these proceedings be reopened for the purpose of receiving additional evidence with respect to:

(a) The following matters related to the amended application of Southern Natural Gas Company at Docket No. G-796:

(i) Actual system peak day firm and interruptible demands for the winter of 1947-1948 at each delivery point, and estimated similar demands for the peak day of the winter of 1948-1949, 1949-1950, and 1950-1951.

(ii) Capacity existing on peak day of winter of 1947-48; and proposed to be made available during the winter of 1948-1949, and 1950-1951 to meet the demands referred to in paragraph (i) above.

(iii) Present availability of pipe and other materials required for the construction of facilities to serve proposed markets in Northern Alabama and the expected date of completion of such facilities.

(iv) Present status of negotiations, if any, for the sale of natural gas to the Tennessee Valley Authority and other direct industrial customers, and for the sale of gas for resale.

(v) Presently proposed plan for financing the facilities required to serve proposed markets in Northern Alabama.

(b) The following matters related to the amended application of Alabama-Tennessee Natural Gas Company at Docket No. G-585:

(i) Present availability of pipe and other materials required for the construction of facilities to serve proposed markets in Northern Alabama and the expected date of completion of such facilites.

(ii) Present status of negotiations, if any, for the sale of natural gas to the Tennessee Valley Authority and other direct industrial customers, and for the sale of gas for resale.

(iii) Presently proposed plan for financing the facilities required to serve proposed markets in Northern Alabama.

(4) The reopened proceedings in these matters should be consolidated for the purpose of hearing.

The Commission orders that:

(A) The proceedings at Docket Nos. G-585 and G-796 be and the same are hereby reopened for the limited purposes specified in paragraph (3) above.

(B) The proceedings at Docket Nos. G-585 and G-796 be and the same are hereby consolidated for the purposes of such further hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a further hearing herein be held commencing on April 28, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., for the limited purposes specified in paragraph (3) above.

(D) All interveners in this proceeding may participate in such further hearing in accordance with leave heretofore granted by the Commission.

(E) Interested State commissions may participate in such further hearing as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: April 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3443; Filed, Apr. 19, 1948; 8:48 a. m.]

[Docket No. E-6136]

FLORIDA PUBLIC UTILITIES CO.

NOTICE OF APPLICATION

APRIL 15, 1948.

Notice is hereby given that on April 13, 1948, an application was filed with the Federal Power Commission, pursuant to sections 201 and 204 of the Federal Power Act, by Florida Public Utilities Company (hereinafter called "Applicant") a corporation organized under the laws of the State of Florida and doing business in said State with its principal business office at West Palm Beach, Florida, seeking a determination whether or not applicant is a "public utility" as defined in section 201 of the Federal Power Act, and if applicant is determined to be a "public utility" an order authorizing the issuance of $500,000 principal amount of First Mortgage Bonds, 3¾% Series due 1978 to be dated as of March 1, 1948, and to be due March 1, 1978; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of May 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3447; Filed, Apr. 19, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 23343]

INCREASED FARES, EASTERN RAILROADS, 1948

APRIL 12, 1948.

Upon petition of the railroads in the Eastern District and Pocahontas Region, the Commission has today instituted an investigation into the reasonableness and lawfulness of further increases in their passenger fares, as per the attached order, and assigned such investigation and petition for hearing before Commis-

sioner John L. Rogers and Examiner Burton Fuller, at the Hotel St. George, Clark St., Brooklyn, N. Y., on May 5, 1948, at 9:30 o'clock a. m. United States standard time (or 9:30 o'clock daylight saving time, if that time is observed)

In view of the importance of this proceeding from the standpoint of the carriers, travelers, and the general public, particular attention is directed to the special rule set forth in Appendix II to the order providing for the submission of verified statements by members of the traveling public and others who are unable to attend the hearing.

By the Commission.

[SEAL] W P BARTEL, *Secretary.*

[F R. Doc. 48-3440; Filed, Apr. 19, 1948; 8:47 a. m.]

[No. 29949]

INCREASED FARES, EASTERN RAILROADS, 1948

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of April A. D. 1948.

Upon consideration of the petition in the above-entitled proceeding, dated April 6, 1948, by common carriers by railroad in the Eastern District and Pocahontas Region, requesting the Commission to institute an investigation into the level of their passenger fares, and to authorize petitioners to increase such fares and to accord certain other relief in connection therewith, as set forth in Appendix I hereto;

It is ordered, That an investigation is hereby instituted into and concerning the reasonableness and lawfulness of further increases in the passenger fares of petitioning carriers, and that the investigation and petition be, and they are hereby, assigned for hearing before Commissioner John L. Rogers and Examiner Burton Fuller, at the Hotel St. George, Brooklyn, N. Y., on May 5, 1948, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., daylight saving time, if that time is observed)

It is further ordered, That copy of this order be sent by regular mail to the said petitioners, the Governors and rate regulatory authorities of the States traversed by petitioners, and every person who has thus far evidenced an interest therein; and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

And it is further ordered, That this proceeding be governed by the Special Rule set forth in Appendix II hereto, in addition to the general rules of practice before the Commission.

By the Commission.

[SEAL] W P BARTEL, *Secretary.*

APPENDIX I—AUTHORITY AND RELIEF SOUGHT BY PETITIONERS

Petitioners seek authority to increase their one-way basic fares in coaches by 20 percent and their one-way basic fares in sleeping and parlor cars by 14.3 percent, except The New York, New Haven and Hartford Railroad Company which seeks authority to increase its one-way basic fares in coaches by 4.3 percent. The basic fares, so increased, will approximate 3 cents per mile in coaches and 4 cents per mile in parlor or sleeping cars. Authority is sought, not only to increase basic fares between points on the lines of petitioners to the extent indicated, but also correspondingly to increase interline fares between stations on the lines of petitioners and stations on connecting lines to the extent necessary to reflect the increases requested on the lines of petitioners.

Petitioners seek authority to establish a minimum children's fare of 10 cents; they propose to maintain the present rule for the Disposition of fractions, and petitioners, other than the New Haven, propose to continue the minimum fare of 15 cents in coaches. Excess baggage charges are ascertained by applying a percentage table to the one-way basic fares for sleeping or parlor car travel. Authority is accordingly sought to increase excess baggage charges corresponding to the increases sought in the basic one-way fares in sleeping and parlor cars by applying the present excess baggage scale to the proposed one-way first-class fares.

If authority is granted to increase the basic one-way fares as sought, it is the intention of petitioners, other than those in the New England region, to continue to maintain round-trip and multiple ride fares on the following bases:

Round-trip fares to be increased generally in proportion with the increases contemplated herein with respect to one-way fares of like class, except that the basis of the new three-month round-trip limit fares will be as follows:

(1) First-class fares: For distances over 225 miles (one-way distance) fares to be increased 16.13 percent over present round-trip first-class fares, protecting double new one-way fare at 225 miles until it runs out. The new round-trip first-class fares will be approximately 4 cents per mile at 225 miles, declining to approximately 3.6 cents per mile at 700 miles.

(2) Coach fares: For distances over 225 miles (one-way distance) fares to be increased 20 percent over present round-trip coach fares, protecting double new one-way fare at 225 miles until it runs out. The new round-trip coach fares will be approximately 3 cents per mile at 225 miles, declining the approximately 2.28 cents per mile at 500 miles.

(3) All round-trip fares so increased to be advanced to the next 0 or 5.

(4) Multiple ride fares (other than commutation fares) which are related to coach fares to be increased to the extent necessary to maintain the present relationship to the coach fares. In no case will fares be increased to exceed 3 cents per mile of travel, subject to a minimum fare of 15 cents per trip; fares so increased to be advanced to the next 0 or 5.

The Commission is further asked to modify its order of February 28, 1936, in No. 26550, Passenger Fares and Surcharges, 214, I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased fares on interstate traffic, and to modify its orders of January 28, 1921, in No. 11762, Michigan Passenger Fares, 60, I. C. C. 225, and of January 13, 1920, in No. 11703, Intrastate Rates within Illinois, 59, I. C. C. 350, as subsequently modified, sufficiently to permit the establishment and maintenance of like increases in the intrastate fares within the States of Michigan and Illinois.

The Commission is further asked to grant such fourth-section relief as may be necessary to permit the establishment and maintenance of such increased fares, and to permit such establishment, on one day's notice, without suspension, by simple forms of supplements to existing schedules.

APPENDIX II—SPECIAL RULE

The Commission has received a number of letters and telegrams containing factual data and expressions of opinion with respect to petitioners' proposals. Such communications cannot, under the law, be considered by the Commission in the disposition of this proceeding. Where possible interested parties should appear at the hearing and be prepared to present their evidence in the form of sworn testimony. However, it is appreciated that this may be an undue burden from the standpoint of time, inconvenience, and expense, for many interested persons, particularly individual members of the traveling public.

Where such persons are unable to be present at the hearing, they may present their evidence in the form of verified statements (affidavits), which will be received in evidence in the absence of objection. Persons desiring to present such statements, not less than 10 days prior to the hearing, should send an original and 24 copies to the office of the Commission at Washington, D. C., the original to be signed in ink and sworn to before a notary public or other officer authorized to administer oaths, and should send two copies to Mr. T. P. Healy, 466 Lexington Avenue, New York 17, N. Y., for the use of petitioners.

Notice of any objection should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement is reserved. In such statements, the affiant should set forth his name, address, and business connection, and experience, particularly in connection with passenger travel, and pertinent facts which will aid the Commission in determining what levels and types of fares would best serve the needs of the traveling public and at the same time meet the revenue needs of the carriers. Such statements should be limited strictly to statements of fact and opinion and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record, and together with the other evidence, will form the basis of the Commission's decision.

[F. R. Doc. 48-3441; Filed, Apr. 19, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1783]

UNION GASOLINE & OIL CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of April 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Gasoline & Oil Corporation ("Union"), a subsidiary company of Columbia Gas & Electric Corporation ("Columbia"), a registered holding company. Declarant has desig-

nated section 12 (c) of the act and Rule U-46 thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may not later than April 19, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 19, 1948 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Union proposes to pay to Columbia, the holder of all of its outstanding common stock, a dividend in the amount of $600,000 out of capital or unearned surplus. Union has no indebtedness outstanding. The amount of dividend proposed to be paid is stated to represent excess funds presently held by Union and, through the proposed dividend, these excess funds will become available to other Columbia system companies which require funds for construction purposes. As of January 31, 1948 Union had cash and government securities aggregating in excess of $700,000 and it is desired that $600,000 of such funds be made available to Columbia. The declaration states that no portion of the dividend is to be charged against the earned surplus of Union since forecasts indicate a continued increase in the cash of Union and such earned surplus will be retained in order that further dividends may be paid periodically therefrom. It is further stated that Columbia carries its investment in Union at the underlying book net worth thereof at September 30, 1946, which net worth included the capital surplus of Union. Accordingly, Columbia proposes to reduce its aggregate investment in the common stock of Union by $600,000.

It is requested that the Commission's order permitting the declaration to become effective be issued as soon as possible, and that it shall be effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 48-3428; Filed, Apr. 19, 1948; 8:45 a. m.]

[File No. 70-1765]

CAROLINA POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1948.

Carolina Power & Light Company ("Carolina"), a subsidiary of Electric Bond and Share Company, a registered holding company having filed an application and amendments thereto pursuant to sections 6 (b) of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder with respect to the transactions summarized below:

Carolina proposes to issue $7,000,000 principal amount of notes to The Equitable Life Assurance Society of the United States. The notes will bear interest at the rate of 3¼% per annum and will mature in the principal amount of $437,500 on each April 15th from April 15, 1952, to April 15, 1957, both inclusive, the remaining $4,375,000 principal amount being due on April 15, 1958. Carolina proposes to use the proceeds of such loan to pay on April 15, 1948, the entire balance of the company's outstanding bank loans amounting to $2,500,000 and to finance in part the company's construction program.

The proposed loan has been approved by the North Carolina Utilities Commission, the Commission of the state in which Carolina is organized and in which it does business, and the South Carolina Public Service Commission, the Commission of the state where the company also does business.

Said application having been filed on March 5, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interst and in the interest of investors and consumer that said application, as amended, be granted, and further deeming it appropriate to grant the request of the applicant that the order herein become effective forthwith.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 48-3429; Filed, Apr. 19, 1948; 8:45 a. m.]

[File Nos. 70-1689, and 70-1773]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND NEW ENGLAND PUBLIC SERVICE COMPANY

SUPPLEMENTAL ORDER GRANTING APPLICATIONS AND DECLARATIONS AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1948.

The Commission having, by orders dated March 10, 1948 and April 9, 1948, granted the application, as amended, of Public Service Company of New Hampshire ("New Hampshire") a subsidiary of New England Public Service Company (NEPSCO), a registered holding company, insofar as said application related to the issuance and sale of 139,739 shares of additional common stock, and in connection therewith, the applications and declarations, as amended, of NEPSCO and Northern New England Company ("Northern") said orders having also exempted from the competitive bidding requirements of Rule U-50 the sale to underwriters of the additional shares of common stock, jurisdiction being reserved with respect to the price to be paid for the stock, underwriters' commissions and the allocation thereof and all fees and expenses relating to the said issue and sale of common stock; and

New Hampshire, NEPSCO and Northern having filed a further amendment to their applications and declarations insofar as they relate to the issuance and sale of common stock by New Hampshire, which amendment may be summarized as follows:

New Hampshire has entered into an agreement with a group of underwriters headed by Kidder, Peabody & Co. and Blyth & Co., Inc. providing in substance that New Hampshire will issue to its holders of outstanding common stock subscription warrants for the purchase of 139,739 shares of additional common stock at a price of $23.75 per share. Of the new common stock, 100,759 shares will be offered for subscription to NEPSCO and Northern in accordance with their preemptive rights. NEPSCO and Northern will waive their subscription rights. The underwriting agreement further provides that the underwriters will purchase the NEPSCO and Northern shares and the unsubscribed shares at a price of $23.75 per share. It further provides for the payment by New Hampshire to the underwriters as compensation to them severally for their commitment to purchase and their services in distributing the NEPSCO and Northern stock, a sum equal to $1.75 per share in respect of the shares of NEPSCO and Northern stock and as compensation to them severally for remaining obligated during the subscription period to purchase the unsubscribed stock and for their services as underwriters in distributing the unsubscribed stock, a sum equal to $0.80 per share in respect of the 38,980 shares of common stock underwritten (whether or not subscribed for) plus an additional sum equal to $0.95 per share in respect of all shares of unsubscribed stock purchased by them in the event that the aggregate number of shares of unsubscribed stock so purchased exceeds 5,000 shares; and

The Commission having examined the record in the light of said amendment filed by applicants and finding no basis for imposing terms and conditions with respect to the price to be paid for said common stock, underwriters' commissions and the allocation thereof; and

It appearing to the Commission that the Public Service Commissions of the States of New Hampshire and Vermont have now approved such of the transactions as require their approval; and

It is ordered, That, pursuant to the applicable provisions of the act, the aforesaid applications and declarations, as further amended, of New Hampshire, NEPSCO and Northern be and the same hereby are granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and that the jurisdiction heretofore reserved over the transactions with respect to the price to be paid for the common stock, underwriters' commissions and allocation thereof, and all expenses except legal fees relating to the issue and sale of common stock, be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved with respect to the payment of all legal fees incurred in connection with the bond and common stock financing be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3430; Filed, Apr. 19, 1948; 8:45 a. m.]

[File No. 70-1805]

COLUMBIA GAS & ELECTRIC CORP. AND UNITED FUEL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Columbia Gas & Electric Corporation ("Columbia") a registered holding company, and its gas utility subsidiary, United Fuel Gas Company ("United Fuel") Applicants-declarants designate sections 6 (b) 7 and 10 of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 30, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 30, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

United Fuel proposes to issue and sell to Columbia $7,500,000 principal amount of its 3¼ percent promissory notes payable in equal annual instalments commencing 1950 and ending in 1974.

The proceeds from the sale of said promissory notes will be utilized by United Fuel to finance, in part, its construction program during 1948 and said notes will be issued and sold only to the extent, and at such times, as funds are required by United Fuel, and none of such notes will be issued and sold subsequent to December 31, 1948.

The proposed issuance and sale has been submitted to the Public Service Commission of West Virginia for its approval.

Applicants-declarants have requested the Commission to issue its order granting the application and permitting the declaration to become effective as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3431; Filed, Apr. 19, 1948; 8:46 a. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP.

NOTICE OF FILING OF SUPPLEMENTAL PLAN AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of April A. D. 1948.

North Continent Utilities Corporation ("North Continent") a registered holding company, on April 19, 1943, filed an application with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") for approval of a plan to effect compliance with the provisions of section 11 (b) of the act. Such plan, as amended, provided, among other things, for the disposal by North Continent of its interests in its subsidiaries, either through the sale of their securities or their assets, and the application of proceeds therefrom to retire first the outstanding bonds of North Continent and then to retire its preferred stock. Upon the retirement of the bonds and preferred stock, the remaining assets, if any, were to be distributed, either in kind or otherwise, on a pro rata basis, to the holders of the common stock. Such plan also provided that the bonds and preferred stock may be retired by the distribution of securities of subsidiaries in kind. North Continent proposed to dissolve after liquidation.

The Commission, on November 16, 1943, entered an order pursuant to section 11 (b) directing North Continent to take such action as may be necessary to cause its liquidation and dissolution and approving the plan filed by North Continent but reserving jurisdiction as to, among other things, the treatment to be accorded the preferred and common stocks of North Continent, any possible satisfaction of the bonds and preferred stock of North Continent through the distribution of subsidiaries securities in the kind, and any steps taken to effectuate disposition of North Continent's assets (see Holding Company Act Release No. 4686)

The Commission, at the request of North Continent, applied to the United States District Court for the District of Delaware for an order enforcing such plan and the Court entered such an order on March 17, 1944 subject to the reservations of jurisdiction contained in the Commission's order (see In the Matter of North Continent Utilities Corporation, 54 F. Supp. 527)

The Commission, from time to time after the filing of such plan, permitted declarations to become effective respecting the sale of assets of North Continent and the proceeds from such sales, in accordance with the provisions of said plan, have been applied to the complete retirement of North Continent's bonds.

Notice is hereby given that North Continent has filed an application for approval of a Supplemental Plan providing for the distribution of its remaining assets to its security holders and for the dissolution of North Continent.

All interested persons are referred to said Supplemental Plan, which is on file in the office of this Commission, for a statement of the proposed transactions which are summarized below:

The outstanding capital stock of North Continent at December 31, 1947 consisted of 43,772 shares of $7 Non-cumulative Convertible Preferred Stock ("Preferred Stock") no par value (stated value at December 31, 1947, $3,842,000.85), and 166,746 shares of Common Stock, no par value. Such capital stocks were issued in a recapitalization of North Continent in 1935 and no dividends have ever been paid on either class. North Continent has no indebtedness except for current liabilities. The Charter of North Continent provides that "dividends on Non-cumulative Preferred Stock shall be non-cumulative, but no dividends shall be paid upon Common Stock until dividends amounting to $7.00 per share on all outstanding shares of Non-cumulative Preferred Stock shall have been declared and paid, or set apart for payment, upon such Non-cumulative Preferred Stock for the then current calendar year." The Charter further provides that in the event of liquidation or dissolution (whether voluntary or involuntary) the holders of Preferred Stock are entitled to $100 per share plus declared but unpaid dividends. Preferred Stock may be redeemed upon 30 days notice at $105 per share "plus the amount of all dividends declared but unpaid thereon."

Either prior to or concurrently with the consummation of the proposed plan, certain preliminary transactions which are designed to facilitate the carrying out of such plan will be effected by North Continent and its subsidiaries. Upon consummation of these transactions, which may be presented to the Commission apart from the plan, the assets of North Continent will consist essentially of:

(a) 43,772 shares of Common Stock of Denver Ice and Cold Storage Company ("Denver Ice")

(b) 87,554 shares of Common Stock of Great Falls Gas Company ("Great Falls")

(c) 48,150 shares of Common Stock of North Shore Gas Company ("North Shore") which includes 610 additional shares to be purchased by North Continent.

(d) 69,000 shares of Common Stock, 250 shares of Preferred Stock, and certain indebtedness of Great Northern Gas Company, Limited ("Northern Limited")

(e) Cash resources estimated in the amount of $769,212.

The plan provides that the holders of the Preferred Stock of North Continent will receive, as a class, all of the shares of Common Stock of Denver Ice, Great Falls, and North Shore owned by North Continent, a 67.74% participation in North Continent's interest in Northern Limited as described below, and all of the cash resources remaining after provision for expenses and liabilities incurred to date of consummation of the plan and for severance compensation for certain employees of William A. Baehr Organization, Inc., a system service company which is to be dissolved.

The plan further provides that the Common Stock of North Continent will receive a 32.26% participation in North Continent's interest in Northern Limited and, except for such participation, will have no other participation under the plan. The plan provides that, in the event North Continent is unable to dispose of its interest in Northern Limited prior to consummation of the plan, North Continent will be recapitalized so that its outstanding capital stock will consist of approximately 64,616 shares of New Common Stock which will be distributed in the proportion of 67.74% to the preferred stockholders and 32.26% to the common stockholders. In the event a sale of its interest in Northern Limited is effected prior to consummation of the plan, the cash proceeds of such sale will be distributed in like proportion. If New Common Stock of North Continent is distributed, no fractional shares will be issued to the holders of Common Stock but rights to fractional shares will be evidenced by scrip certificates which may be combined with other scrip certificates aggregating a full share or shares and exchanged for full shares prior to an expiration date to be specified in such certificates.

After five years from the effective date of the Supplemental Plan, shares of outstanding preferred and common stocks not surrendered or exchanged shall become void and all rights of the holders thereof shall cease and determine, the shares of Common Stock of Denver Ice and Great Falls which have not been distributed shall be surrendered to the respective issuing corporations, the shares of Common Stock of North Shore which have not been distributed shall be sold for cash, and all cash not theretofore distributed shall be contributed to Great Falls and Denver Ice on the basis of two-thirds and one-third to each company, respectively. The shares of Preferred Stock and Common Stock of North Continent held in its treasury will not participate in the distributions made under the Supplemental Plan, and will be cancelled. In the event that the shares of Preferred Stock allocable under the 1935 plan of recapitalization of North Continent have not been claimed by the date of consummation of such Supplemental Plan, the assets allocable to such shares will be treated as undistributed assets and be disposed of in the same manner as other remaining assets after five years from the effective date of said plan.

Upon disposal of all of its assets, North Continent will be liquidated and dissolved. North Continent requests that the Commission enter an order approving such Supplemental Plan and apply to a court in accordance with the provisions of sections 11 (e) and 18 (f) of the act to enforce and carry out the terms and provisions of the plan.

North Continent further requests that the Commission's order approving such plan contain recitals necessary to conform to certain requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code.

Section 11 (e) of the act provides that the Commission shall issue an order approving a plan thereunder if, after notice and opportunity for hearing, the Commission shall find such plan, as submitted or as modified, necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected thereby.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such Supplemental Plan:

It is ordered, That a hearing with respect to said Supplemental Plan under the applicable provisions of the act and the rules and regulations thereunder be held at 11:00 a. m., e. s. t., on May 17, 1948 in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for the purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of said Supplemental Plan and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice, however, to the specifying of additional matters or questions upon further examination:

1. Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is in conformity with the Commission's order of November 16, 1943 and is in all respects fair and equitable to the persons affected thereby.

2. Whether, and if so, in what manner the plan, as submitted or as modified, should be amended to render it fair and equitable and feasible.

3. Whether the continued existence of North Continent for the purpose of effecting disposition of its interest in Northern Limited is necessary or appropriate.

4. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether accounting entries proposed to be recorded in connection with the proposed transactions are proper and conform to sound accounting principles.

6. Whether the plan as submitted, or any modification thereof approved or required by the Commission, should be approved pursuant to the provisions of section 11 (d) of the act, so as to permit the Commission of its own motion, and irrespective of any request therefor on the part of North Continent, to apply to a court for the enforcement of such plan pursuant to the provisions of section 11 (d).

7. Generally, whether the proposed transactions are in all respects appropriate in the public interest and in the interest of investors and consumers and meet the applicable requirements and standards of the act and the rules and regulations thereunder and, if not, what terms and conditions should be imposed in the public interest or in the interest of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to North Continent Utilities Corporation and to all persons who have heretofore entered appearances in this matter or to their respective attorneys of record; and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That North Continent Utilities Corporation shall give further notice of this hearing to its stockholders, preferred and common, of record by mailing to each of said stockholders at his last known address a copy of this notice and order at least twenty days prior to the date of said hearing.

It is further ordered, That any person desiring to be heard in connection with such Supplemental Plan, or proposing to intervene herein, shall file with the Secretary of the Commission on or before May 14, 1948 his request or application therefor as provided by Rule XVII of the Commission's rules of practice. In the event that said Supplemental Plan is amended during the course of the pro-

ceedings herein no notice thereof will be given unless specifically ordered by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 48-3432; Filed, Apr. 19, 1948; 8:46 a. m.]

[File No. 70-1767]

TEXAS POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AMENDED APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1948.

Texas Power & Light Company ("Texas Power") an electric utility subsidiary of Texas Utilities Company, a registered holding company subsidiary of American Power & Light Company, also a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50 of $2,000,000 principal amount of First Mortgage Bonds, ____% Series, due 1978 ("Bonds"), and $7,000,000 principal amount of ____% Sinking Fund Debentures, due 1973 ("Debentures"), and

The Commission having by order dated March 29, 1948 granted and permitted to become effective said application-declaration, as amended, subject to the condition that the proposed issue and sale of Bonds and Debentures not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding, and a further order entered by the Commission in light of the record as so completed and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses of all counsel incurred or to be insurred in connection with the proposed transactions; and

Texas Power, having filed a further amendment to its application-declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, nine bids for said Bonds by nine groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
	Percent		
Halsey, Stuart & Co. Inc.	3	101.2699	2.9360
Lehman Bros.	3	101.2599	2.9365
The First Boston Corp.	3	101.139	2.9425
W. C. Langley & Co. and Glore, Forgan & Co.	3	101.11111	2.9439
Kidder, Peabody & Co.	3	101.09	2.9450
Salomon Bros. & Hutzler	3	101.083	2.9453
Harriman Ripley & Co. Inc.	3	101.04999	2.9470
Equitable Securities Corp. and Shields & Co.	3	101.801	2.9595
White, Weld & Co.	3	101.707	2.9642

Said amendment to the application-declaration having contained the statement that Texas Power has accepted the bid for the Bonds of the group headed by Halsey, Stuart & Co. Inc., as set out above, and that the Bonds will be offered for sale to the public at a price of 101.75% of the principal amount thereof resulting in an underwriters' spread of 0.4801% per unit or a total of $9,602; and

Said amendment further stating that also pursuant to an invitation for competitive bids, six bids for said Debentures by six groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
	Per cent		
Drexel & Co. and Hemphill, Noyes & Co.	3¼	100.2977	3.2325
Halsey, Stuart & Co. Inc.	3¼	100.27999	3.2335
Kidder, Peabody & Co.	3¼	100.20	3.2382
Lehman Bros.	3¼	100.1299	3.2423
White, Weld & Co.	3¼	100.06999	3.2453
W. C. Langley & Co. and Glore, Forgan & Co.	3⅜	101.617	3.2797

Said amendment to the application-declaration having contained the statement that Texas Power has accepted the bid for the Debentures of the group headed by Drexel & Company and Hemphill, Noyes & Company, as set out above, and that the Debentures will be offered for sale to the public at a price of 100.85% of the principal amount thereof resulting in an underwriters' spread of 0.5523% per unit or a total of $38,661, and

The Commission having examined said amendment and having considered the record herein and finding that said amendment to said application-declaration should be granted and permitted to become effective subject to the reservation of jurisdiction over all legal fees and expenses as contained in this Commission's order of March 29, 1948 being continued in effect;

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Bonds and Debentures under Rule U-50 be, and the same hereby is, released, and that the amendment filed on April 13, 1948, to said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said Bonds and Debentures, including fees payable to counsel for the successful bidders, be, and the same hereby is, continued.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3433; Filed, Apr. 19, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10963]

SHUNICHI MURATA

In re: Stock, bank account, currency and coins owned by Shunichi Murata, also known as S. Murata.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shunichi Murata, also known as S. Murata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. Two (2) shares of $25 par value common capital stock of California Bank, 625 South Spring Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificate number C 2307, registered in the name of Shunichi Murata and presently in the custody of said California Bank, City Market Office, 863 South San Pedro Street, Los Angeles, California, in Safekeeping Account Number 6418, together with all declared and unpaid dividends thereon,

b. One (1) share of $100 par value common capital stock of Southern California Edison Company, 601 West Fifth Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificate number L/O 61740, registered in the name of S. Murata and presently in the custody of California Bank, City Market Office, 863 South San Pedro Street, Los Angeles, California, in Safekeeping Account Number 6418, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for shares of $25 par value capital stock of said Southern California Edison Company,

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of S. Murata and presently in the custody of California Bank, City Market Office, 863 South San Pedro Street, Los Angeles, California, in Safekeeping Account Number 6418, together with all declared and unpaid dividends thereon,

d. That certain debt or other obligation owing to Shunichi Murata, also known as S. Murata, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a checking account entitled S. Murata, maintained at the branch office of the aforesaid bank located at 863 South San Pedro Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

e. That certain Japanese currency presently in the custody of California Bank, City Market Office, 863 South San Pedro Street, Los Angeles, California, in Safekeeping Account Number 6418, more particularly described as follows:

One (1) 10 yen note,
One (1) 5 yen note,
Two (2) 50 sen notes,

f. Those certain coins presently in the custody of California Bank, City Market Office, 863 South San Pedro Street, Los Angeles, California, in Safekeeping Account Number 6418, more particularly described as follows:

One (1) United States Columbian half dollar,
One (1) Japanese 50 sen piece,
Five (5) Japanese 10 sen pieces,
Six (6) Japanese 5 sen pieces,
Fourteen (14) Japanese 1 sen pieces,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate No.	Number of shares
Southern California Edison Co., 601 West 5th St., Los Angeles, Calif.	California	$25 par value-common	AB 63	121
			AO 22323	55
			AO 42333	18
			AO 77229	19
Wilshire-Commonwealth Corp. of Delaware, 639 South Commonwealth Ave., Los Angeles, Calif.	Delaware	$100 par value preferred	322	6
		No par value common	323	5
United Pacific Security Corp. of Delaware	do	$100 par value preferred	109	6
		No par value common	153	6
Two Nine Six Nine Wilshire Corp. of Delaware.	do	$100 par value preferred	153	5
		No par value common	153	5

[F. R. Doc. 48-3452; Filed, Apr. 19, 1948; 8:55 a. m.]

[Vesting Order 10970]

WIESBADENER BANK, E. G. M. E. H.

In re: Bank accounts, stock and bonds owned by Wiesbadener Bank, E. G. M. E. H. F-28-9171-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wiesbadener Bank, E. G. M. E. H., the last known address of which is Wiesbaden, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has, or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows:

(a) That certain debt or other obligation owing to Wiesbadener Bank, E. G. M. E. H., by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account, entitled Wiesbadener Bank, E. G. M. E. H., and any and all rights to demand, enforce and collect the same,

(b) That certain debt or other obligation owing to Wiesbadener Bank, E. G. M. E. H., by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account, General Ruling #6, account number XC10555, entitled Wiesbadener Bank, E. G. M. E. H., and any and all rights to demand, enforce and collect the same,

(c) Twenty-four (24) shares of capital stock of Standard Rope and Twine Co., evidenced by a certificate numbered A4354, registered in the name of Schulz & Rockgaber, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York; together with all declared and unpaid dividends thereon,

(d) Four thousand (4,000) Mutual Oil Syndicate Units evidenced by certificates numbered B1017/26 for one hundred (100) units each and B1000/02 for one thousand (1000) units each, registered in the name of F. Stallforth, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

(e) One (1) St. Louis San Francisco Railway Company Prior Lien Gold, Series A, 4% Bond, of $250.00 face value, bearing the number Y7860, in bearer form and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto, and any and all rights under a plan of reorganization effective January 1947, and,

(f) Thirty (30) United States of Mexico Redeemable Internal Loan of 1895, 5% Bonds, of 1,000 pesos face value each, in bearer form, bearing the numbers G102950, J135567, J136765, J137412, J138582/3, J133949, J134082, J135693, J136670, J137072, J138220, J138571, J138678, O212329, LL172459, LL173080, LL173091, LL173432, LL173593, LL174510, LL177689, LL180679, LL181159, LL175178, LL174266, LL173137, G101244, LL172460, LL172642, presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3453; Filed, Apr. 19, 1948; 8:55 a. m.]

[Vesting Order 10977]

REINHOLD BERNDT

In re: Estate of Reinhold Berndt, deceased. File No. D-28-9906; E. T. sec. 14018.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor(e) Berndt, Marie Berndt, Antonie Hase, Ernst Bieck, Anna Breszinski, Paul Hohense(e) Georg Hohense(e), and Minna Ditschkowski, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Theodor Berndt, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the sum of $19,872.90 was paid to the Attorney General of the United States by the First National Bank of Minneapolis, Minneapolis, Minnesota, Executor of the Estate of Reinhold Berndt, deceased;

4. That the sum of $19,872.90 was accepted by the Attorney General of the United States on January 14, 1948, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $19,872.90 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Theodor Berndt, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3454; Filed, Apr. 19, 1948; 8:55 a. m.]

[Vesting Order 10979]

CHRISTINE EMMERLING

In re: Estate of Christine Emmerling, deceased. File No. D-28-1936; E. T. sec. 1872.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilli (a/k/a Lilly, Elizabeth) Beidermuehle, Mimi (a/k/a Mimmi, Maria, Anna) Dorfmueller, Caspar Emmerling, Gustav Eduard Emmerling, Arthur Franz Johann Emmerling, Bertha (Elisabeth) Boese, Anna Klueter, Therese (Theresia) Neuhaus, Bernhardine (Dina) Dahl (Dohl) Christoph Bernhard (Hermann) Schroeder, Maria Luig, Hildegard Brueser, Maria Hartmann, Franziska Quast, Elizabeth Tump, Johanna Kayser, Friedrich Wilhelm Emmerling, Toni (Antonia) Panne, Franz Hermann Emmerling, Agnes Herziger, Joseph Emmerling, Maria Martha Neuhaus, Maria Theresia Plassman, Maria Schuetz, Christina Schmilnik, Johanna Knust, Wilhelm Wix, Rudolf Schroeder, Klara Sophia Maria Emmerling, Karl Willi Friedrich Emmerling, Friedrich Franz Emmerling, George Rolf Emmerling, Agnes Steinberg, Franz Emmerling, Wilhelm Emmerling, Anna Maria Emmerling, Paul Emmerling, Hedwig Hensen, Walter Wrocklage, Werner Wrocklage, Else Wrocklage, Willie (Willy) Wrocklage, Heinz Wrocklage, and Arnold Wrocklage, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Christine Emmerling, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by The First National Bank of Cincinnati, Cincinnati, Ohio, ancillary administrator c. t. a., acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3455; Filed, Apr. 19, 1948; 8:55 a. m.]

EMIL REICHERT

REVOCATION OF RETURN ORDER 48

Upon further consideration of the claim set forth below and sufficient cause appearing therefor

It is ordered, That Return Order No. 48 be and the same is hereby revoked without prejudice to further consideration of the claim:

Claimant and claim No.	Order to return published	Property
Emil Reichert, Glenside, Pa., Claim No. 6471.	Jan. 27, 1948 (13 F. R. 381).	Nineteen (19) shares of $100 par value common capital stock of the American Telephone and Telegraph Company, evidenced by certificates numbered P 153863 and P 153864 for four (4) shares each, R 288393 for five (5) shares, and PN 92390 for six (6) shares, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York; $126.70 in the Treasury of the United States representing dividends from said shares.

Executed at Washington, D. C., on April 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3469; Filed, Apr. 19, 1948; 8:57 a. m.]

[Vesting Order 10980]

MRS. JULIA FEHL

In re: Succession of Mrs. Julia Fehl, deceased. File No. D-28-12196; E. T. sec. 16410.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Manier, Karl Manier and Xaver (Manier), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs at law, next-of-kin, legatees and distributees, names unknown, of August Manier, Karl Manier and Xaver (Manier), children, names unknown, of Adelhaid and Landerer (Manier), and the domiciliary personal representatives, heirs at law, next-of-kin, legatees and distributees, names unknown, of Leo Manier, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the succession of Mrs. Julia

Fehl, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Clerk of the Civil District Court for the Parish of Orleans, New Orleans, Louisiana, as depositary, acting under the judicial supervision of the Civil District Court for the Parish of Orleans, Division "E" New Orleans, Louisiana;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next-of-kin, legatees and distributees, names unknown, of August Manier, Karl Manier and Xaver (Manier) children, names unknown, of Adelhaid and Landerer (Manier) and the domiciliary personal representatives, heirs at law, next-of-kin, legatees and distributees, names unknown, of Leo Manier, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3456; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 10993]

CLEMENS MOELLER

In re: Estate of Clemens Moeller, deceased. D-28-10689; E. T. sec. 15375.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Moller, also known as Heinrich Moeller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Carolina Moller, also known as Carolina Moeller, deceased, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Clemens Moeller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by John G. Moeller, Executor, acting under the judicial supervision of the Probate Court of Stearns County, Minnesota;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Carolina Moller, also known as Carolina Moeller, deceased, and each of them, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3457; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 10994]

PETER MOHR

In re: Estate of Peter Mohr, deceased. File D 39-1527, E. T. 4423.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena Klahn, Anna Ellerbroeck, Henrich Mohr, Peter Mohr, Margaretha Mohr, Carl Mohr, Martha Mohr, Anna Mohr Vollstedt, Anita Mohr Lill, Alma Klahn, Erna Klahn Errelat, Hermann Klahn, Erich Mohr, Henrich Mohr, Jr., Elsa Ellerbroeck Lohse, Ernst Ellerbroeck, Margaretha Katherina Mohr Schneider, Hedwig Emma Auguste Mohr Erdmann, Rudolf Mohr and Carl Mohr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Peter Mohr, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Henry Krohn, Surviving Executor, acting under the judicial supervision of the County Court of Hall County, State of Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3458; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 10997]

P. BEIERSDORF & CO. A. G.

In re: Bank account Owned by P. Beiersdorf & Co. A. G.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That P. Beiersdorf & Co. A. G., the last known address of which is Eidelstedterweg 48, Hamburg, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Security First National Bank, Los Angeles, California, arising out of a Savings Account No. 53825, entitled Willy Jacobson or Richard Daetsch, maintained at the branch office of the aforesaid bank, located at the Sunset and Stanley Branch, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by,

P Beiersdorf & Co. A. G., the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-3459; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 11005]

HEINRICH HILLECKE

In re: Debts owing to Heinrich Hillecke. F-28-8306-C-1, F-28-8306-C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hillecke, whose last known address is Berlin, Germany, is a resident of Germany, and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Heinrich Hillecke, by Marks & Clerk, 220 Broadway, New York 7, New York, in the amount of $19.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Heinrich Hillecke, by Westinghouse Electric International Company, 40 Wall Street, New York, New York, in the amount of $2,644.64, as of December 31, 1945, together with any and all accruals thereto, and any all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3460; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 11014]

CHIJIRO UENO ET AL.

In re: Bank accounts owned by Chijiro Ueno also known as Chujiro Ueno and others. F-39-1680-E-2; F-39-1613-E-1/E-2; D-39-2359-E-1/E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chijiro Ueno also known as Chujiro Ueno, Suka Yasuo also known as Yasuo Suga and as Yasuo Suka, and S. Aizumi also known as Susumu Aizumi, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows: Those certain debts or other obligations of Security Trust & Savings Bank of San Diego, 904 5th Avenue, San Diego, California, owing to the persons whose names are listed below, arising out of Savings Accounts, said accounts numbered and entitled as set forth opposite the names as follows:

National	Account No.	Title
Chijiro Ueno also known as Chujiro Ueno.	20259	Chujiro Ueno.
Suka Yasuo also known as Yasuo Suga and as Yasuo Suka.	0063	Suka Yasuo.
S. Aizumi also known as Susumu Aizumi.	7769	Susumu Aizumi.
Do	18321	Do.

maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Chijiro Ueno also known as Chujiro Ueno, Suka Yasuo also known as Yasuo Suga and as Yasuo Suka, and S. Aizumi also known as Susumu Aizumi, the aforesaid nationals of a designated enemy country (Japan),

3. That the property described as follows: Those certain debts or other obligations of The United States National Bank, San Diego, California, owing to the persons whose names are listed below, arising out of Savings Accounts, said accounts numbered and entitled as set forth opposite the names as follows:

National	Account No.	Title
Suka Yasuo also known as Yasuo Suga and as Yasuo Suka.	11052	Yasuo Suga.
S. Aizumi also known as Susumu Aizumi.	11003	S. Aizumi.

maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Suka Yasuo also known as Yasuo Suga and as Yasuo Suka and S. Aizumi also known as Susumu Aizumi, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3461; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 11016]

GUSTAV VON MALLINKRODT

In re: Debt owing to Gustav von Mallinkrodt. F-28-24083-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav von Mallinkrodt, whose last known address is Parisea Platz 7, Berlin W-8, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Gustav von Mallinkrodt, by Edward G. Budd Manufacturing Company, 2450 Hunting Park Avenue, Philadelphia 32, Pennsylvania, in the amount of $600.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3462; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 11020]

MICHIHARU AKIYAMA

In re: Rights of Michiharu Akiyama under insurance contract. File No. D-39-2231-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michiharu Akiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,948,946, issued by the New York Life Insurance Company, New York, New York, to Michiharu Akiyama, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3463; Filed, Apr. 19, 1948; 8:56 a. m.]

[Vesting Order 11021]

MARIE L. BELL

In re: Rights of Marie L. Bell under insurance contract. File No. F-28-28287-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie L. Bell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4771509-C, issued by the Metropolitan Life Insurance Company, New York, N. Y., to Marie L. Bell, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3464; Filed, Apr. 19, 1948; 8:57 a. m.]

[Vesting Order 11023]

RICHARD HOPPE

In re: Estate of Richard Hoppe, deceased. File No. D-28-9492; E. T. sec. 12803.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Hulda Schubert, Thekla Martha Kirsten, Selma Alma Soellner, Anna Martha Friedrich, Marie Hedwig Zimmerman, Marie Lina Sachse, Bruno Max Hunger, and Bruno Arno Hunger whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Richard Hoppe, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Charles Weiler, as administrator, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt

with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3465; Filed, Apr. 19, 1948; 8:57 a. m.]

[Vesting Order 11028]

WALLY WEISS

In re: Rights of Wally Weiss under insurance contract. File No. F-28-28607-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wally Weiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 71888654, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Wally Weiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3466; Filed, Apr. 19, 1948; 8:57 a. m.]

[Vesting Order 11037]

G. KODAMA AND T. NORITAKE

In re: Bank account owned by G. Kodama and T. Noritake. F-39-4644-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. Kodama and T. Noritake, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to G. Kodama and T. Noritake, by The National Bank of Commerce of Seattle, Seattle, Washington, arising out of a Savings Account, account number 95715, entitled G. Kodama and/or T. Noritake, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3467; Filed, Apr. 19, 1948; 8:57 a. m.]

DOROTHEA NEUGEBAUER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Dorothea Neugebauer, Berne, Switzerland.	6342	$1,823.67 in the Treasury of the United States. All right, title, interest and claim of any kind whatsoever of Dorothea Neugebauer in and to the trust created under paragraph 7, subdivision 10 of the Will of Ludwig Vogelstein, deceased; Trustees Hans A. Vogelstein and Leo S. Frenkel.

Executed at Washington, D. C., on April 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3470; Filed, Apr. 19, 1948; 8:57 a. m.]

[Vesting Order 11056]

DR. BENEDICT LUST

In re: Estate of Dr. Benedict Lust, deceased. File No. D-28-10777; E. T. sec. 15180.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Lust, John Lust, Rosa Lust Miller, Herman (Hermann) Lust, Karl Lust and Lilly (Lilli) Maier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, distributees, heirs at law, legatees, next-of-kin, names unknown, of Herman Lust, deceased, except Mary Lust Gevrenc (Gevrenz) a resident of the United States, and the domiciliary personal representatives, distributees, heirs at law, legatees, next-of-kin, names unknown, of Maria Bernadine Lust, nee Buthmann, deceased, except Mary Lust Gevrenc (Gevrenz), a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Mary Lust Gevrenc (Gevrenz) a resident of the United States, and each of them, in and to the estate of Dr. Benedict Lust, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Leo Lust, as ancillary executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the

domiciliary personal representatives, distributees, heirs at law, legatees, next-of-kin, names unknown, of Herman Lust, deceased, except Mary Lust Gevrenc (Gevrenz) a resident of the United States, and the domiciliary personal representatives, distributees, heirs at law, legatees, next-of-kin, names unknown, of Maria Bernadine Lust, nee Buthmann, deceased, except Mary Lust Gevrenc (Gevrenz) a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3493; Filed, Apr. 19, 1948; 8:57 a. m.]